

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 8204 OF 2024
IN WP/3449/2013

AFZAL KHAN ABBAS KHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Syed Azizoddin R.

AGP for Respondent nos. 1 to 3 : Ms. N.B. Kamble

Advocate for Respondent no. 5 : Mr. Kunal Kale h/f Mr. R.S. Deshmukh

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 18.11.2024

PER COURT :

The petitioner is awaiting finalization of pension papers. Noticing the indifferent approach of the management, a specific order was passed on 04.10.2024, after recording *inter alia* the fact that even the management had to be served with a bailable warrant and even a contempt proceeding was filed, this Court had directed the management to remain present before the Education Officer on 08.10.2024 at 11 a.m. for finalization of the pension papers, expressly mentioning that failure of the management would entail imposition of heavy costs.

2. The petitioner is again before us. His learned advocate informs that though the management remained present before the Education Officer on 08.10.2024 and some formalities were completed. However, the Education Officer, by communication dated 25.10.2024, had once again called upon the management to remain present in his office on 30.10.2024, but again the management did not turn up.

3. The learned advocate for the respondent-management submits that the headmaster and the secretary remained present before the Education Officer on 08.10.2024. The headmaster was made to sign several documents. When he demanded its copies, those were not provided to the management and a communication dated 23.10.2024, a copy of which he places on record, was sent to the Education Officer.

4. The aforementioned facts and circumstances would clearly indicate that the management is still hellbent in not cooperating the Education Officer in finalizing the petitioner's pension papers and the previous bench was justified in making the observations regarding the conduct of the management.

5. The fact that the management could merely oblige the Court by remaining present on 08.10.2024 before the Education Officer and further not obliging him when it was again called upon to attend on 30.10.2024, in spite of the aforementioned facts and circumstances, compels us to impose costs of Rs. 10,000/- against the management. The management shall deposit the costs in this Court within one week, which shall be made over to the petitioner without any condition or objection.

6. We further direct that the management shall now remain present in the office of the Education Officer on 29.11.2024 and make necessary compliance/take appropriate steps pursuant to the directions of the Education Officer and shall extend fullest cooperation thereafter by remaining present as and when called upon by him. Any dereliction on the part of the management would entail heavy costs.

7. S.O. to 16.12.2024.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-