



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.12797 OF 2025

Sachin S/o Pralhad Gaundgave,
Age-45 years, Occu:Service,
R/o-C/o-Kale Niwas, Shahu Nagar,
Vivekanand Chowk, Latur,
Taluka and District-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports
Department, Mantralaya, Mumbai,
- 2) The Director of Education,
Secondary and Higher Secondary,
Directorate of Education, Central
Building, Camp, Near Sasun Hospital,
Pune-411 001,
- 3) The Deputy Director of Education,
Latur Division, Latur,
- 4) The Education Officer (Secondary),
Zilla Parishad, Latur, District-Latur.

...RESPONDENTS

...
Mr. Tukaram M. Venjane Advocate for Petitioner.
Mr. S.K. Tambe, Additional Government Pleader for
Respondent Nos. 1 to 4.

...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 20th NOVEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed for quashing and setting aside the communication dated 23rd July 2025 issued by respondent No.4, the Education Officer (Secondary), Zilla Parishad, Latur.
2. The proposal was forwarded by the management of the school where the petitioner is serving and it was for inclusion of the petitioner's name in Shalarth Pranali ID. Respondent No.4, by the impugned communication, rejected the said proposal and gave it back to the management.
3. The learned Advocate appearing for the petitioner submits that respondent No.4 has no authority to decide the said proposal. He ought to have forwarded it to respondent No.3.
4. In view of our order dated 6th November 2025, respondent No.4 is present before this Court. He has filed the affidavit-in-reply. He has tendered unconditional apology and also the undertaking that the said proposal would be taken back from the management and he would forward it to respondent No.3 in view of the Government Resolution dated 20th March 2019.

5. Respondent No.4 is present before the Court. It can be seen from his affidavit that he has the knowledge of the Government Resolution dated 20th March 2019 and still, instead of forwarding the said proposal for inclusion of the name of the petitioner in Shalarth Pranali ID, to respondent No.3, he himself has undertaken the task of rejecting the proposal by giving some reasons. When the authority tries to decide the particular proposal or a matter without any authority or power, in spite of having knowledge that he does not possess the power, such acts are required to be deprecated. It will not be out of place to mention here that when this Court had come across such matters, now specific direction has been issued to respondent No.2 to issue a circular that Education Officers, should adhere to the Government Resolutions to that effect when such matters are placed before them. The management is supposed to follow the ladder i.e. the hierarchy and therefore, the said proposal was presented before respondent No.4. That does not mean that respondent No.4 should undertake the act of rejection. If the Government Resolution prescribes, then at the most with his remarks after the scrutiny he should forward the said proposal to the appropriate authority. If the Government Resolution does not permit him even to make any kind of remark or undertake the

scrutiny, then unless called upon by the higher authority, he is not supposed to undertake such activity. In that case he is supposed to simply forward the proposal to the appropriate authority. Unnecessarily the petitioner has been dragged to this Court. It is now high time that this Court is called upon to impose cost for unnecessarily dragging a citizen to approach the Court of law. However, in view of the unconditional apology tendered by respondent No.4, we accept the same and we hope that he would act taking into consideration the Government Resolution dated 20th March 2019.

6. In view of the above, we allow the Writ Petition. The impugned communication dated 23rd July 2025 issued by respondent No.4 is hereby quashed and set aside. In view of the undertaking given by respondent No.4, he should call the proposal from the management within a period of ONE WEEK and forward the same to respondent No.3 within further THREE WEEKS.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE