

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5230 OF 2025

Kamarunissa Rabbetofic Kurulkar & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Satish Raut a/w Mr. Tanmay Shembavaanekar, Advocate for the
Petitioners.

Mr. A.K. Naik, AGP for the Respondent/State.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 23rd APRIL, 2025

P.C. :-

1. This is yet one more case wherein we could have initiated a Departmental Enquiry against the concerned Deputy Director of Education, Pune Region for not deciding a proposal for almost three years.

2. As usual, the learned AGP pleads that an enquiry should not be initiated against the concerned officer, though lethargy and laxity is writ large from the dates and sequence of events.

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3. It is apparent that a large chunk of the litigation before us is only on account of the failure on the part of the Officers of the State in discharging their duties. Day in and day out, we are passing orders of issuing directions to decide the pending proposals within a time frame. To begin with, we deem it appropriate to commence imposition of costs if we find that there has been a gross delay in dealing with the proposals.

4. In view of the above, this **Writ Petition is disposed off** with a direction to Respondent No.4, to decide the pending proposal dated 18th June, 2022, on or before 15th June, 2025, by following the due procedure laid down in law and by referring to the Judgment of this Court in *Friends Social Circle and others V/s. State of Maharashtra and others*¹, the Judgment of the Hon'ble Supreme Court in *Dr. Rajinder Singh V/s. State of Punjab and Others*² and the order of this Court dated 3rd February, 2025, delivered at the Aurangabad Bench in Writ Petition No.1021 of 2025 (*Mansi Arun Kelkar V/s. The State of Maharashtra Through its Principal Secretary and Others*). We make it clear that if any of the Judicial pronouncements are ignored, it would be a ground for initiating

¹ 2023 (5) ALL MR 601

² (2001) 5 SCC 482

Contempt of Court proceedings against the concerned Officer.

5. Insofar as the delay in keeping the proposal dated 18th June, 2022, pending by the Office of the Deputy Director of Education, we deem it appropriate to impose cost of Rs.10,000/- to be paid by the Department of Respondent No.4. The said amount would be deposited in this Court within a period of 60 days from today.

6. Since the learned Advocate for the Petitioners submits on instructions that the Petitioners would donate the said amount for a public cause, the Registry shall transfer the said amount in favour of the following establishment :-

In Defense of Animals

Account No. : 04060100019102
Bank Name : Bank of Baroda
Branch : Chandavarkar Road Branch, Matunga
IFSC : BARB0CHANDA ('0' is a digit not alphabet)
MICR No. : 400012046

7. If an adverse order is passed, the aggrieved parties would be at liberty to avail of a remedy, as is permissible in law. If the approval is granted, further steps for grant of Shalarth-ID shall

be initiated expeditiously.

8. We record in this order that coming June-2025, if we notice that the litigants have to file such Petitions only because of the lethargy and laxity on the part of the Officers of the Education Department/Office, in not deciding the pending proposals within a reasonable time, we would start passing orders for initiation of enquiry under Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

9. The Registrar Judicial of this Court shall place the copy of this order before the Chief Secretary of the State of Maharashtra, the Principal Secretary of School and Education Department and the Principal Secretary, Higher and Technical Education, for appropriate directions.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)