

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 371 OF 2022

Mahatarba alias Madhvkar Bhikaji Janrao ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

Mr Ahmad Abdi, i/b Eknath R Dhokale, for the Petitioner.
Mr VM Mali, AGP, for Respondent No. 1-State.
Mr NV Bandiwadekar, Senior Advocate, with Vinayak Kumbhar
Rajendra Khaire, i/b AN Bandiwadekar, for Respondents Nos. 2
to 4.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 12th April 2023

PC:-

1. The record on this matter shows us a very disturbing state of affairs. The Petition was filed in November 2021. Notice was ordered to be issued on 7th July 2022. Ultimately, service was effected shortly thereafter and at least at the Government Pleader's office on 16th July 2022.

2. We find that since 20th July 2022, the learned AGP in question has been writing repeatedly inter alia to the Education Officer, Secondary, Zilla Parishad, Nashik for instructions to file an

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Affidavit in Reply. Mr Mali shows us the file. The first letter is of 20th July 2022. This was sent by Mr Mali himself. An email reminder went on 28th February 2023 from Mrs Ashwini Purav, learned AGP. A follow up email was sent on 4th March 2023 by Mrs Purav. On 24th March 2023, Ms Pushpalata Diwan, also a learned AGP, sent another email. On 1st April 2023, Mrs Purav sent yet another communication.

3. To none of these has the Education Officer even had the courtesy to acknowledge receipt, let alone respond and leave aside giving instructions to the AGP.

4. We refuse to let the Additional Government Pleaders at our Bar or the Government Pleader's office be compromised in this manner by serving employees of the State Government. It is not possible to accept that the AGP who appears or that the Government Pleader himself or his office can be continuously embarrassed before the Court. They have been seeking instructions since July 2022 and we are now in April 2023.

5. Respondents Nos. 2 to 4 represented by Mr Bandiwadekar entered appearance and file their reply.

6. We refuse to tolerate this conduct from government servants. We are now making our position very clear. If we find this continues, we will proceed in contempt against such officers because this is a clearest possible interference with or obstruction to the administration of justice. We will also proceed to impose financial

penalties in the form of fines recoverable from them personally for this continued disrespect to the Court and lack of cooperation to the AGPs. We will go a step further. We will have those fees recovered and paid to the AGPs personally. That is the extent to which we are prepared to go.

7. Mr Mali in fairness asks for one further opportunity. We think Mr Mali is being too kind. The Education Officer, Nashik does not deserve Mr Mali's kindness. He certainly has done nothing to earn our sympathy.

8. Issue aailable warrant against the Education Officer, Secondary, Zilla Parishad, Nashik. The bail will be set in the amount of Rs. 15,000/- to be paid by the Education Officer personally. The Registrar General is requested to ensure that thisailable warrant will be executed at the earliest. It is made returnable in this Court on 25th April 2023. If there is no response, we will issue a non-ailable warrant.

9. List the matter high on board on 25th April 2023.

(Neela Gokhale, J)

(G. S. Patel, J)