

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

905 WRIT PETITION NO. 7187 OF 2015

Rajendra Ramaji Dhawale
and others.

Petitioners.

Versus

State of Maharashtra
and another.

Respondents.

Ms. Pradnya Talekar, I/B Talekar and Associates
for the petitioners.

Mr. S.B. Yawalkar, A.G.P. for the State.

Mr. R.S. Deshmukh, Advocate for respondent No.2.

CORAM : **T.V. NALWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : **1 February 2019.**

ORDER :-

. Today heard learned Counsel for the petitioners for some time. Learned Counsel for the High Court is also heard. Learned Additional Government Pleader Mr. Yawalkar submitted that the Government is thinking to appoint a Special Counsel to represent the Government in this matter and he sought time of three weeks from today.

2. Learned Counsel representing the High Court submitted that the report submitted by

Justice Dabholkar Commission is accepted by the High Court as it is, and it is forwarded to the Government for implementation. A copy of Government Resolution of Law and Judiciary Department dated 09.02.2018 shows that the Government took decision to form a Committee which is to be headed by Additional Chief Secretary / Principal Secretary (Finance) and the Committee consisting of Additional Chief Secretary / Chief Secretary (General Administration), Chief Secretary of Law and Judiciary and Joint Secretary, to consider the recommendations made by Justice Dabholkar Commission and give guidance to the Government. This Government Resolution itself shows that the Government wants to kill the time in one way or the other the Government is indirectly expressing that ultimately it has decision making power, and it is not bound to accept the recommendations made by the High Court. This is straightway an attempt to give an indication that the High Court has no independence or at least no independent power when the financial matters are involved. This Court feels

that the circumstance like appointment of such Committee to consider the recommendations which are accepted by the High Court, is itself against the independence of Judiciary and it is highly objectionable that the Officers of Government of the rank of Additional Chief Secretary will sit over the recommendations accepted by this Court and when ordinarily it is accepted by the High Power Committee of the High Court consisting of the Hon'ble the Chief Justice and first five senior most Judges of the Court.

3. The circumstance that when so called Committee of the Officers of Government was constituted on 09.02.2018 but as yet nothing concrete has happened, is sufficient to infer that the Government is avoiding to take steps to implement the recommendations which are accepted by the High Court. The circumstance that the Government now wants to appoint Special Counsel to represent the Government also apparently shows that the Government is trying to play delaying tactics. This is not acceptable to this Court.

4. Learned Counsel Mr. Deshmukh for the High Court made a statement that he will see that some responsible officer is deputed for going to the Principal Seat to bring and produce before the Court Manudhane Report and Justice Dabholkar Commission Report alongwith the decision taken by the High Court on these reports.

5. If anybody wants to file reply to the amended petition, they are at liberty.

6. Stand over to 7 February 2019, in urgent category, high on board.

(**SUNIL K. KOTWAL**)
JUDGE

(**T.V. NALWADE**)
JUDGE

mahajansb/