

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

WRIT PETITION NO. 11804 OF 2017

Maharashtra Rajya Apang Shala/Karmshala
Karmachari Sangh.

Petitioner.

Versus

The State of Maharashtra and others

Respondents

Mr. S.B. Talekar, Advocate for the petitioner.

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

CORAM : **PB. VARALE AND
SUNIL K. KOTWAL, JJ.**

Dated : 11-12-2017.

ORAL ORDER :-

. Heard learned A.G.P. Mr. Yawalkar. Learned A.G.P. submits that in view of the order of this Court dated 21.11.2017, an affidavit-in-reply is filed on behalf of the State and its copy is already forwarded by the learned Government Pleader to the petitioner. Learned A.G.P. submits that, to the affidavit filed by

the State, a re-joinder is also filed and copy of the re-joinder is received by the A.G.P. Learned A.G.P. submits that in compliance with the order of this Court, the Principal Secretary, Social Justice and Special Assistance Department, Mantralaya is present before this Court.

2. Learned A.G.P. submits that in view of the ensuing winter session and Legislative Assembly, further presence of the Principal Secretary be dispensed with.

3. Learned Counsel Mr. Talekar appearing for the petitioner vehemently opposes submission of the learned A.G.P. It is submitted by Mr. Talekar that the State is not complying with its own Government Resolution. Mr. Talekar invited our attention to the order of this Court dated 21.11.2017. On perusing the order dated 21.11.2017 we find that inspite of various opportunities granted to the State Government, no reply was filed. As such, the stand of the Government was not clearly made out before this Court. Considering this aspect of the matter, this Court directed the learned A.G.P. to file reply as well as further directed that the Principal Secretary, Social Justice and Special Assistance Department, Mantralaya, Mumbai to

remain present before this Court and to explain the stand of the State Government about the grievances raised by the petitioner in the present petition and also about non co-operation by not responding to the communications issued by the Office of Government Pleader.

4. Considering these facts, we are of the clear opinion that it was a issue between this Court and the State of Maharashtra as the State of Maharashtra failed to make the stand before this Court and also inspite of communications from the office of Government Pleader, no response was received by the Office of Government Pleader. As such, this Court left with no choice but to give directions by an order dated 21.11.2017. In view of the fact that the reply is filed and the Principal Secretary, Social Justice and Special Assistance Department, Mantralaya, Mumbai is present before this Court, we are of the opinion that the insistence of the petitioner for not dispensing with the presence of the Principal Secretary is not justified at this stage.

5. As such, the further presence of the Principal Secretary, Social Justice and Special Assistance Department,

Mantralaya, Mumbai is dispensed with.

6. We are further making it clear that whenever this Court takes up the petition for consideration, the petitioner would be certainly at liberty to raise his grievance on merits before this Court, including his grievance that no steps are taken by the State for compliance of the Government Resolution.

7. The petitioner is also at liberty to seek circulation of the Petition before the regular Court.

(SUNIL K. KOTWAL)
JUDGE

(P.B. VARALE)
JUDGE

vdd/