

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

WRIT PETITION NO. 5093 OF 2017

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Nav Maharashtra Shikshan Prasarak
Mandal, Through Its Secretary ... Petitioner

V/s.

The Education Officer (Primary) & Ors. ... Respondents

Mr. I. M. Khairdi for the petitioner.

Mr. R. P. Kadam, AGP for the State.

Ms. Divya Arvind Pawar for respondent No.1.

**CORAM : ANIL L. PANSARE &
RANJITSINHA RAJA BHONSALE, JJ.**

DATED : APRIL 21, 2026

P.C.:

1. Heard.
2. Learned counsel for the petitioner submits that upon a complaint lodged before the Lokayukta, a recommendation was made by the Lokayukta under Section 12(1) of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, in the following terms:

"(1) The Education Officer (Primary) shall prepare a proposal for being submitted to the Principal Secretary, School Education Department for closure of the school at the end of academic year 2016-17. The proposal shall be submitted within 30 days from the date of receipt of these recommendations.

(2) The said proposal shall be considered by the Principal Secretary of School Education Department and he shall pass necessary suitable orders within a period of 60 days from the date of receipt of the proposal from the Education Officer.

(3) The Principal Secretary, School Education Department shall submit his report to this office within 15 days from passing the final orders in the matter."

3. As could be seen, the Education Officer (Primary) was directed to prepare a proposal for being submitted to the Principal Secretary, School Education Department, for closure of the school. The said proposal was to be considered by the Principal Secretary for passing necessary orders.

4. The argument is that the Principal Secretary has not passed any order, but respondent No.1-Education Officer (Primary) has taken up the entire exercise and, vide the impugned order, has cancelled the recommendation of the school run by the petitioner-trust.

5. Learned counsel appearing for respondent No.1 seeks time to take instructions. Learned counsel for respondent No.1, as also the learned AGP, shall place before us a copy of the report of the Principal Secretary, which shall include the decision taken by him as recommended by the Lokayukta.

6. Stand over to 29th April 2026.
7. Ad-interim relief granted earlier to continue till then.

(RANJITSINHA RAJA BHONSALE, J.) (ANIL L. PANSARE, J.)