

**Instructions regarding precautions to be taken while making submissions by the Law Officers before Hon'ble High Court.**

**Government of Maharashtra  
Law and Judiciary Department  
Government Circular No.: 435-2016/Misc./E,  
5th Floor, Main Building,  
Mantralaya, Mumbai – 400 032  
Date: 12th July, 2016**

**Circular**

In PIL No.56/2014, when the matter was listed before the Hon'ble Court on 15.6.2016, the Ld. Assistant Government Pleader had made a statement that the State Government was not in a position to file a reply, as directed by the Hon'ble Court, as the State Government was unable to understand as to which department would deal with the said matter.

The Hon'ble Court was pleased to record that the said stand, taken by Ld. Assistant Government Pleader, was highly objectionable and has expressed its strong displeasure over the manner in which the said submission was made.

During the course of next hearing, the Hon'ble Court desired that an assurance be given that thenceforth no Government Advocate including the Government Pleader, Additional/Assistant Government Pleader will make a submission that they are unable to understand which of the Department should deal with the matter.

In view of the above, the submission that the State Government was unable to understand as to which of the department should deal with the matter was wholly inappropriate and uncalled for. Such a submission betrays a casual and superficial approach.

It is, therefore, impressed upon all the Government Pleaders/Additional/ Assistant Government Pleaders that they should not make such a statement. In case they are unable to readily ascertain the concerned administrative department they are advised to consult the Maharashtra Government Rules of Business for guidance. Secondly, they may approach the Principal Secretary/Secretary of the department which is apparently impleaded in the cause title or prima facie appears to be concerned with the matter. Thirdly, they may approach the Law and Judiciary Department if the confusion still persists. However, in any case, there should be no recurrence of the aforesaid incident of making such a casual submission that the Government is unable to understand which of the Department is the concerned administrative department.

The Government Pleaders are advised to bring this circular to the notice of the Additional Government Pleaders/Assistant Government Pleaders and impress upon them to desist from making such submission.

The above instructions be scrupulously followed. Any deviation would be viewed seriously.

This Government circular of Maharashtra Government is available at the website [www.maharashtra.gov.in](http://www.maharashtra.gov.in). Reference no. for this is 201607121053521212. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra,

**( B.Z. Sayyed )**  
**Solicitor-cum-Joint Secretary**

**Copy forwarded to:**

1. Hon'ble Chief Secretary, Govt. of Maharashtra, Mumbai.
2. The Government Pleader, High Court, Original Side/Appellate Side (Writ Cell)/Appellate Side/Nagpur/Aurangabad.
3. Select File.