

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****BENCH AT AURANGABAD****CONTEMPT PETITION NO. 141 OF 2015  
IN WP/6034/2014**

JANARDHAN BAPURAO GUTTE

VERSUS

STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Karne G. J.

Advocate for Respondent no.4 : Mr. V.H. Dighe

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**CORAM : S.S. SHINDE & A.M. BADAR, JJ.****Dated: September 09, 2015**

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**PER COURT :-**

This Contempt Petition alleges the disobedience of the order passed by the Division Bench of this Court on 16th July, 2014 in Writ Petition No. 6034 of 2014.

2. The relevant paragraph for the purposes of deciding this Contempt Petition is paragraph no.4, which is reproduced hereinbelow :-

"4. The petitioner say and submit that, at the end of academic year 2010-2011 due to mismanagement of the school run by Rajiv Gandhi Madhyamik Vidyalaya, Nichpur, Tq. Kinwat, District Nanded which is run by Matoshri Annusya

Shikshan Prasarak Mandal, Nanded de-recognized by the respondent no.3."

3. In pursuance to the notices issued to the Respondent, one Balasaheb S/o Ramrao Kundgir, presently working as Education Officer (Secondary), Zilla Parishad, Parbhani has filed affidavit in reply. Para no.5 of the said affidavit in reply reads thus :-

"5. I say that, in order to comply the order passed by this Hon'ble High Court dated 26.7.2014, this Deponent has taken decision on 9th October, 2014 which also was communicated to the Head Master, Shri. Chhatrapati Shivaji Secondary School, Sagroli, Tq. Biloli, Dist. Nanded and the copy of that decision is also sent to the Superintendent, Pay and Provident Fund Unit, (Secondary), Nanded. The copy is also forwarded to the Accounts Officer, Education Nanded and President/Secretary, Matoshri Anusaya Mata, Shikshan Mandal, Nanded for taking necessary action. The copy is also send to the petitioner also."

4. The said affidavit in reply is accompanied with the letter dated 9th October, 2014 addressed to the Headmaster, Shri. Chhatrapati Shivaji Secondary School,

Sagroli, Tq. Biloli, Dist. Nanded by the Education Officer (Secondary), Zilla Parishad, Nanded.

5. The learned counsel appearing for the petitioner submits that, the letter addressed by the Education Officer (Secondary), Zilla Parishad, Nanded to Headmaster, Shri. Chhatrapati Shivaji Secondary School, Sagroli, Tq. Biloli, Dist. Nanded dated 9th October, 2014 is forged. In our opinion, the contentions of the learned counsel appearing for the petitioner that, the said document is forged would not fall within the purview of contempt jurisdiction. In our opinion, the order of which the disobedience is alleged, has been complied with, in as much as, the representation of the petitioner has been decided by the Education Officer. Hence the Contempt Petition sans merits and hence rejected.

( **A.M. BADAR, J.**  )

( **S.S. SHINDE, J.**  )

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