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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.236 OF 2014

IN

WRIT PETITION NO.7575 OF 2013

Ashok Gangaram Sakre & Anr.

..Petitioner.

V/s.

Rajesh Krishnaji Sawant, President of
Pachal Panchkroshi Shikshan Prasarak
Mandal & Ors.

..Respondents.

Mr.Sachin Hande i/b. Raj Maruti Yamgar for the petitioner.

Mr.Sachindra Bhaskar Shetty for respondent Nos.3 to 11.

Mr.A.I.Patel, A.G.P. for respondent Nos.17 to 19.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.****DATED : 6TH JANUARY, 2015****P.C. :-**

1. Heard learned counsel appearing for the petitioner and learned counsel appearing for contemnor. The breach alleged in this contempt petition is of the directions contained in the order dated 21st August, 2013 passed by the Division Bench of this Court in Writ Petition No.7575 of 2013. By the said order, this Court restrained the respondent Nos.3 to 18

from taking any policy decision and from withdrawing any amount from the bank account of the Trust in question.

2. The allegations of breach are based on the actions of the 7th respondent of issuing a show cause notice dated 28th September, 2013 to the In-charge Head Master of the school run by the Trust in question and addressing a communication dated 24th November, 2013 to the Superintendents of the Hostels run by the Trust in question. Show cause notice is issued to the acting Head Master calling upon the In-charge Head Master to explain the alleged misconduct. The communication dated 21st November, 2013 addressed to the Superintendents of the Hostels refers to the order passed by this Court. All that is stated in the said letter is that the Superintendents shall not part with the documents / records.

3. As on today, no action has been taken by the respondents against the In-charge Head Master of initiation of any disciplinary proceedings. The action of suspension has not been taken. Taking the averments made in the petition as it is, the action of issuing the said letters does not amount to taking any policy decision.

4. Therefore, we find that no case of any willful breach and / or disobedience of the order of this Court is made out. Accordingly, we find that it is not necessary to initiate any action under the Contempt of Courts Act, 1971. We accordingly dispose of the petition.

(A.K.MENON, J.)

(A.S.OKA, J.)