

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 167 OF 2015 IN
WRIT PETITION NO. 6308 OF 2014

(Balapur Minority Education and Social Welfare Society, Balapur, Dist. Akola thr. its Secretary
vs. Shri Nand Kumar, Principal Secretary, Department of School Education)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
SEPTEMBER 03, 2015.

Heard Shri Sheikh, learned counsel for the petitioner and Shri Ukey, learned Additional GP for the respondent.

Perused the orders dated 28.11.2014 in Writ Petition No. 6308 of 2014 and the communication dated 25.08.2015 sent by the State Government to the Deputy Director of Education at Amravati. Shri Sheikh, learned counsel states that no such communication or an order rejecting representation of the petitioner is still received by the petitioner.

Perusal of communication dated 25.08.2015 shows that the representation made by the petitioner has been rejected by the State Government. Shri Sheikh, learned counsel submits that this Court has on 28.11.2014 noted that the provisions of the Right of Children to Free and Compulsory Education Act, 2009, are not applicable to a minority educational institution and keeping this order in mind, the exercise ought to have been undertaken. The

impugned order does not show adherence to such procedure. It is apparent that the impugned order has been passed belatedly but the representation of the petitioner has been rejected. Looking to the nature of issue involved, it cannot be said that the delay is deliberate.

In this situation, with liberty to the petitioner to challenge the communication dated 25.08.2015 on all such grounds as are available to it, we dispose of the Contempt Petition. No order as to costs.

JUDGE

JUDGE

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