

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO. 196 OF 2015
IN WRIT PETITION NO.2225 OF 2014

(Balapur Minority Education and Social Welfare Society vs. Shri Nand Kumar and another)

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

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : OCTOBER 28, 2015

Heard Adv. Sheikh for petitioner,
Mrs. Deshpande, learned Assistant Government
Pleader for respondent no.1 and Adv. Bute for
respondent no.2. Perused reply-affidavit filed by
respondent no.1, order dated 8/1/2015 passed by
this Court in Writ Petition No. 2225/2014 and
subsequent communication dated 2/2/2015 at
Annexure R-II with reply.

It is not in dispute that the said
communication wrongly carries the date 2/2/2014
and it has been corrected by corrigendum dated
21/9/2015 placed as Annexure R-III with very same

reply.

In order dated 8/1/2015 this Court has taken note of the judgment of Hon'ble Apex Court in **Pramati Educational and Cultural Trust and others vs. Union of India and others** (2014 (7) SCALE 306) where the Hon'ble Apex Court has held that provisions of Right of Children to Free and Compulsory Education Act, 2009 are not applicable to minority educational Institutes. The impugned communication dated 2/2/2015 (Annexure R-II supra) mentions a reason that during scrutiny by State Level Committee, Urdu School imparting primary education is found functioning at the distance of 900 metres from village Shelad. This School is located at Kasarkhed and it is managed by Balapur Municipal Council. It is, therefore, apparent that case of petitioner has been examined on merits and thereafter proposal has been rejected.

Whether rejection is right or wrong is not an issue to be gone into in contempt jurisdiction. We do not see any deliberate act of contempt. Hence, with liberty to petitioner to take such other steps as

are open to it to assail that communication, we
dispose of the contempt petition. No costs.

JUDGE

JUDGE

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