

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**CONTEMPT PETITION NO.396 OF 2016
IN
WRIT PETITION NO.8303 OF 2013**

**Sau. Bharti W/o Umesh Bhandarkar Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.M.Deshmukh, advocate for the petitioner
Ms.R.P.Gour, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.
Date : 23.11.2016.**

PER COURT :

1. Heard.
2. Mr.Deshmukh, learned counsel points out that though the affidavit is filed on 30.8.2016, no reference is made to the order dated 25.7.2016. The said order is sent to the petitioner by post and received by the petitioner on 23.9.2016. The learned counsel submits that the petitioner was not even called for hearing when this order was passed. Along with the affidavit the order dated 23.10.2015 is annexed, wherein it is stated that Management shall take appropriate decision. The order dated 25.7.2016, sent to the petitioner by post is after thought and not as per the Rules.

3. Rightly or wrongly the order is passed by the Education Officer. It is true that the affidavit is filed on 30.8.2016 but no reference is made of the order dated 25.7.2016 passed by the Education Officer. The affidavit-in-reply is also filed by the same Education Officer who had passed the order. The Education Officer appears to have filed the affidavit in a casual and callous manner. Such an attitude of the Education Officer can not be approved.

4. The petitioner will have to challenge the said order sent to him by post. The petitioner is at liberty to assail the same as is permissible in law.

5. All contentions in that regard are kept open.

6. As the order is complied though belatedly, the contempt stands purged.

7. The Contempt Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.23.11.2016.
asp/office/Cp396.16

