

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 290 OF 2015
IN
WRIT PETITION NO. 2301 OF 2015**

Kotuleshwar Shikshan Prasarak Mandal
Kotul through its Secretary
Bhausahab Nana Gite .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. B. Salve, Advocate for the Petitioner.
Shri V. H. Dighe, A.G.P. for Respondents/State.

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

DATE : 22ND AUGUST, 2016.

PER COURT :

. Mr. Salve, the learned counsel for the petitioner states that, this Court vide order dated 27.02.2015 had directed the respondents to decide the proposal of the petitioner on its own merits within three months from the date of submission of the proposal. Though the proposal was submitted, the respondents did not decide the same. The petitioner filed this contempt petition. After notice was issued in the contempt petition and Court directed them to remain present thereafter affidavit is filed stating that proposal has been rejected. No hearing has

been given to the petitioner while rejecting the proposal. The respondents were duty bound to give hearing to the petitioner while deciding the proposal of the petitioner. The petitioner was required to file various representations/applications. On the date of hearing the petitioner was present, but the officer was absent.

2. Mr. Dighe, the learned Assistant Government Pleader for respondents submits that, the decision on the proposal has been taken. The written argument was also filed by the petitioner and thereafter the proposal has been rejected on 05.10.2015.

3. This Court vide order dated 27.02.2015 has passed the following order.

"3. The petitioner may file fresh proposal with the respondents for grant of Ashram School which proposal, the respondents/competent authority shall decided on its own merits within a period of three months from the date of submissions of the proposal."

4. This Court had directed the respondents to decide the proposal on its own merits. It appears that, the petitioner filed the proposal on 09.03.2015 as contended in the present petition and the decision is taken by respondents in October 2015, after the present contempt petition is filed. We had directed the

respondent authorities to decide the proposal on its own merits within a period of three months from the date of submission. Whether the proposal is rightly or wrongly decided would be a subject matter of challenge in a substantive petition. In the contempt petition the legality of the rejection of the proposal cannot be considered.

5. The proposal is decided, though belatedly. As such, the contempt stands purged. The petitioner is at liberty to challenge the order of respondents in substantive petition. The contempt petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]