

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

905 CONTEMPT PETITION NO.577/2016

VIJAY DEVIDAS BANKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. V. S. Panpatte
AGP for Respondents State: Mr. V. S. Badakh
Advocate for Respondent No.2 : Rajput Deepak K.

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

DATE : 14th October, 2016

ORDER:

1. The learned counsel for the respondents submits that the order of this Court has been complied with. Representation of the petitioner has been decided and the same is rejected. There is delay in deciding the same as the order passed by this Court was not communicated to the Education Officer promptly.

2. Mr. Panpatte, the learned counsel for the petitioner states that the order was passed in the presence of the advocates of the parties and such order is supposed to be known by the concerned Education Officer. According to the learned counsel the order passed by this Court was also pointed out by the making representation to the Education Officer on 27.11.2015. According to the learned counsel, there is

delay of more than eight months in deciding the said application and complying the order passed by this court and as such, the action of contempt be taken against the respondents.

3. For an action of contempt, there has to be a deliberate and willful disobedience of the orders of the Court. The order of this court has been complied with, though belatedly. It does not appear that it is a deliberate and willful non-compliance of the order of this Court. However, the Authority, henceforth, shall endeavour to comply the orders of this Court punctually and within time frame as laid down by this Court. The petitioner is at liberty to assail the decision taken by the Education Officer on his representation, in appropriate proceeding.

4. In view of the fact that the order passed by this Court is complied, though belatedly, the contempt stands purged. Contempt petition disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC