

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 100 OF 2014

Girish Manohar Makashi. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. J. G. Reddy for the Petitioner.
Mr. V. M. Mali, learned AGP for the State.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.
Date : **April 2, 2016.**

P. C. :

1. This petition is filed for taking action against Respondent No.2 under the Contempt of Courts Act on the ground that he is guilty of committing contempt of the order passed by this Court in Writ Petition No. 870 of 2013, being order dated 20th March 2013.

2. By the order dated 20th March 2013, passed in Writ Petition No. 870 of 2014, this Court directed Respondent No. 2 Dy. Director of Education to look into the representation filed by the Petitioner on 14th August 2012 and take decision within the period of three months of the order.

3. In the extant petition, one Mr. Dnyaneshwar T. Junnarkar, The Deputy Inspector of Education has filed an affidavit dated 18th April 2015. In paragraph 5, he has stated thus

:

"5. I say that after receiving the report and upon following due procedure under law and reports received from the Competent Authorities, the Deputy Director of Education, Mumbai Region, Mumbai has take decision on 16.11.2013 after following principle of natural justice under law. The said order was communicated to the Petitioner vide letter dated 30.12.2014."

4. In the light of what is stated above in paragraph, we find that Respondent No. 2 has complied with the order of this Court passed in Writ Petition No. 370 of 2014. Though there is some delay on the part of Respondent No. 2 in taking decision, Respondent No. 2 has tendered unconditional apology for the same. Apology is accepted.

5. Learned Counsel appearing for the Petitioner invited our attention to the communication dated 10th March 2014 received by him from one Mr. Junnarkar, the Dy. Education Inspector working in the office of Dy. Director of Education, Mumbai Region, Mumbai. Counsel submitted that by the said communication it was informed to the Petitioner that decision has not been taken on the subject representation of the Petitioner. Copy of the said letter is annexed to the rejoinder filed by the Petitioner.

6. The Dy. Inspector has however filed additional affidavit on 9th December 2015 and clarified the position. He has

stated that the said communication is issued by oversight. The fact remains that the order passed by this Court in Writ Petition No. 870 of 2013 is already complied with.

7. In above fact-situation, we do not find any substance in the Petitioner's contention that Respondent No.2 is guilty of contempt. We do not see any reason to entertain this contempt petition and the same is, therefore, dismissed.

8. Needless to state that the Petitioner is at liberty to challenge before the appropriate forum/court the decision of the Dy. Director of Education.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]