

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.331 OF 2015
IN
WRIT PETITION NO.480 OF 2015 (D)

Dnyaneshwar Shikshan Prasarak Sanstha Tondgaon, Dist. Washim, Thr. its Secretary

-vs-

Dinesh Tarole, Education Officer (Sec.) Z.P. Washim and ors.

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

Court's or Judge's Orders.

Shri P. S. Patil, counsel for the petitioner.

**CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.**

DATE : 18.01.2016

By this contempt petition, the petitioner seeks action against the respondents for acting contrary to the statement made by them in the affidavit in reply filed in Writ Petition No.480 of 2015.

In Writ Petition No.480 of 2015, the petitioner Sanstha had challenged the constitution of the School Committee by Shri Ashok Gote on the ground that he was not the President of the Society when it was constituted. In the said writ petition, the respondent No.1 Education Officer (Secondary) had filed an affidavit in reply. It was stated in the affidavit in reply that since Ashok Gote was not the President of the Society, he had no power to appoint the School Committee. The Education Officer had further conceded that the order of the erstwhile Education Officer

appointing the new School Committee was not legal and correct. According to the petitioner, despite the said reply on behalf of the Education Officer in W.P.No.480 of 2015, the Education Officer has granted approval to the appointment of Shri S. K. Ambhore as Headmaster on the proposal made by Shri Ashok Gote. It is stated that the grant of approval to the appointment of Shri S. K. Ambhore is illegal and the action on the part of the respondent No.1 in granting approval on the proposal made by Shri Ashok Gote is contemptuous.

We do not find that the respondents have, in any manner, flouted the order or direction issued by this Court. It also cannot be said that the respondents have acted contrary to the statement made by them in the affidavit in reply in W.P.No.480 of 2015. If the petitioner is aggrieved by the grant of approval to the appointment of Shri S. K. Ambhore, the petitioner has other remedies. Filing of contempt petition in such a manner is not proper.

In view of aforesaid, the contempt petition is disposed of with no order as to costs.

JUDGE

JUDGE