

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4954 OF 1998

1. The President Khandesh College
Education Society, M.J. College,
Jalgaon, Tq. & Dist. Jalgaon.
 2. The Principal, Khandesh College
Education Society, Industrial Training
Institute, Maniyar Law College,
Jalgaon.
- ... **Petitioners**

Vs.

1. Hemchandra Jaysing Baghave,
Age: 45 years, Occu: Service,
R/o Gavit Bungalow, Malegaon Camp,
Malegaon, Dist. Nashik.
 2. The State of Maharashtra,
through G.P. High Court, A'bad.
- ... **Respondents**

with

WRIT PETITION NO. 4955 OF 1998

1. The President Khandesh College
Education Society, M.J. College,
Jalgaon, Tq. & Dist. Jalgaon.
 2. The Principal, Khandesh College
Education Society, Industrial Training
Institute, Maniyar Law College,
Jalgaon.
- ... **Petitioners**

Vs.

1. Anil Raghunath Chaudhari,
Age: 34 years, Occu: Service,
R/o Near Shankar Appa Nagar,
Near Darshan Lime Depot, Gut No.
9/2/1B, Plot No.4, Pimprala,
Tq. & Dist. Jalgaon.
 2. The State of Maharashtra,
through G.P. High Court, A'bad.
- ... **Respondents**

Mr. V.T. Choudhari, Advocate for the Petitioners.
Mr. Ajay G. Talhar, Advocate for Respondent No.1.
Mr. S.N. Kendre, A.G.P. for Respondent-state.

CORAM : P.R. BORA, J.
DATE : 20-04-2017.

ORAL JUDGMENT :

1. Since the issues raised in both the Writ Petitions are common, I have heard the common arguments in both the Writ Petitions and I deem it appropriate to decide both these Writ Petitions by common reasoning.

2. The order dated 19.09.1997 and the order dated 17.10.1997 passed by the School Tribunal, Nashik respectively in Contempt Application No. 3 of 1996 and Contempt Application No. 4 of 1996 are challenged by the petitioners in the present Writ Petitions. Identical orders are passed by the School Tribunal in both the aforesaid Contempt Applications.

3. Shri V.T. Choudhari, the learned counsel appearing for the petitioners submits that, the petitioners have already complied with the order passed by the School Tribunal and, as such, the impugned order could not have been passed by the School Tribunal. The learned counsel tendered across the bar the copy of the common order passed by this Court in Writ Petition No. 1629 of 1996 with connected Writ Petitions decided on 18.06.2008. The learned counsel more particularly invited my attention to para no. 7

of the said order which reads thus:

7. Now it appears from the subsequent development (after filing all these four writ petitions) that respondent no.1 were absorbed as per the directions given by the School Tribunal earlier. Thus the orders which are challenged by these writ petitions are obeyed. However, subsequently a new cause of action had arisen for which necessary proceedings are filed by the concerned respondent no.1. In this view of the matter, it is humbly submitted by learned A.G.P.s. Smt. Autade and Shri Tele that these writ petitions do not survive as they have become infructuous because of the subsequent developments. I agree with the submission.

4. Shri Ajay G. Talhar, the learned counsel appearing for the respondent no.1 submits that, in the orders passed by the School Tribunal, Nashik in Appeal Nos. 20 of 1994 and 36 of 1994 decided on 23.01.1996, Rule 26 (3) was directed to be followed. The learned counsel submitted that, though, the petitioners have reinstated the respondents and have, thus, partly complied with the order, the further part of the order is still not complied with. The learned counsel therefore supported the order passed by the School Tribunal impugned in the present petitions.

5. After having considered the submissions and after having gone through the record, I am however, not convinced with the submissions advanced on behalf of the respondents. In fact the order dated 23.01.1996 is vague order. In view of the fact that, the respondents in the present matter were duly represented in Writ Petition Nos. 1629 of 1996 and 1631 of 1996, wherein, this Court

has in clear terms observed that the order of the School Tribunal has been complied with, the impugned orders cannot be sustained and deserve to be set aside. Hence the following order:

ORDER

- i) The Writ Petitions are allowed.
- ii) The order passed by the School Tribunal, Nashik in Contempt Application No. 3 of 1996 on 19.09.1997 and in Contempt Application No. 4 of 1996 on 17.10.1997 are quashed and set aside.
- iii) Rule made absolute in above said terms.

(P.R. BORA)
JUDGE