

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

**CONTEMPT PETITION NO. 829 OF 2016
IN WP/2295/1997**

**JAYAPAL GOVARDHAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Shri Bachate Pralhad D.
GP for Respondents 1 to 4 : Shri A.B.Girase a/w Shri N.T.Bhagat, AGP.
Advocate for Respondents 5 & 6 : Shri A.N.Sabnis h/f Shri V.D.Gunale.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th February, 2017

Per Court:

1 I have heard the learned Advocates for the respective sides for sometime and have gone through the affidavits filed by Respondent No.4 as well as Respondent Nos.5 and 6.

2 The direction issued by this Court in paragraphs 13 and 14 of it's judgment dated 11.08.2016 is the subject matter at issue. It appears from the pleadings of the parties and especially in the light of the contention of the Petitioner that the vacancies available, by taking into account all the schools of Respondent No.5/ Education Society, have not been considered while accepting the proposal for declaring the Petitioner

surplus.

3 The issues as to whether, the proposal for declaring the Petitioner surplus was properly prepared or not? and whether, the vacancies in different schools operated by the same Management have been suppressed from the Education Officer or not?, cannot be gone into in the contempt of court proceedings under the Contempt of Courts Act, 1971.

4 Shri Bachate, learned Advocate for the Petitioner, therefore, submits that this Contempt Petition may be permitted to be withdrawn and the Petitioner would tender a comprehensive representation to Respondent No.4/ Assistant Commissioner of Social Welfare listing out all his grievances and the same may be considered by hearing all sides.

5 Shri Girase, learned Government Pleader appearing on behalf of Respondent No.4, submits that if such proposal is filed by the Petitioner within two weeks from today, Respondent No.4 would ensure that the same is decided on its merits after hearing all the concerned parties and after meticulously scrutinizing the record.

6 In the light of the above, this Contempt Petition is allowed to

be withdrawn with liberty as prayed for. After the proposal is submitted, considering the statement of the learned Government Pleader, Respondent No.4 would decide the same accordingly.

kps

(RAVINDRA V. GHUGE, J.)