

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

CONTEMPT PETITION NO. 128 OF 2017
IN WRIT PETITION NO. 6611 OF 2016

(Aashray Gram Vikas Bahu-Uddeshiya Sanstha thr. Secretary, Nalwadi, Tah. & Dist. Wardha vs.
Shri Rajagopal Devara, Secretary, Medical Education & Drugs Department)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
NOVEMBER 13, 2017.**

Heard Shri A.S. Dhore, learned counsel for the petitioner and Shri A.S. Fulzele, learned AGP for the respondent.

2. As earlier directed, the Secretary, Medical Education Department is present.

3. Perused the respective affidavits and Court orders dated 13.09.2017 as also 07.11.2017.

4. It is apparent that Writ Petition No. 6611 of 2016 was disposed of without extending an opportunity to the respondents to file their reply on 24.11.2016. With the result, stay granted by Aurangabad Bench on 09.12.2014 or its clarification on 28.08.2017 at Bombay in Writ Petition No. 9162 of 2017 were not the events looked into. In fact, the later event is after 24.11.2016.

5. Going by interim orders passed at Aurangabad on 24.11.2016, direction as issued could not have even been considered.

6. The learned counsel for the petitioner, however, has pointed out that in the face of it, some essentiality certificates were already issued. It is further pointed out

that records of application/ proposal of the petitioner was kept pending in the office of Director of Medical Education and Research (D.M.E.R.) arbitrarily. It is also submitted that had that proposal been processed within time, demand of exorbitant amount now made, could not have been occasioned.

7. All these contentions cannot be looked into in contempt jurisdiction. When there was an order of stay, the direction dated 24.11.2016 stood eclipsed till 28.08.2017 when Bombay Bench clarified the position.

8. In this situation, without observing anything on merits of the controversy and with liberty to the petitioner to raise appropriate challenge to the demand as made and to the delay or discriminatory treatment, if any, we dispose of the present contempt petition. No order as to costs.

JUDGE

JUDGE

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