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

**CONTEMPT PETITION NO. 45 OF 2018
IN
WRIT PETITION NO.6730 OF 2016**

Madhav s/o Dattatraya Dhaikamblekar,
Age: 35 years, Occ: Service,
R/o. At Post Ambulga, Tq. Kandhar,
District Nanded.

..PETITIONER

VERSUS

1. Nagorao s/o Lalba Bhalke,
Secretary, Shubh Sandesh
Shikshan Prasarak Mandal,
Degloor, Tq. Degloor,
District Nanded.
 2. Shamrao s/o Kondiba Ghatwad,
Headmaster, Anudanit Adivasi
Ashram School, Mulzara,
Tq. Kinwat, Dist. Nanded.
 3. Shri. Ramchandra Kulkarni,
Tribal Development Commissioner,
Nashik.
 4. Girish Sarode,
The Additional Commissioner,
Tribal Development Department,
Amravati Division, Amravati.
 5. Amit Khumbhar,
Tribal Development Integrity
Development Department, Project
Office, Kinwat
- ..RESPONDENTS

Mr G.J. Karne, Advocate for petitioner;
Mr B.L. Sagar Killarikar, Advocate for respondent
Nos.1 & 2;
Mr S.Y. Mahajan, A.G.P. for respondent/State

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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 10th OCTOBER, 2018

ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The petitioner is before this Court with a grievance that the order passed by this Court in Writ Petition No. 6730 of 2016 dated 28th February, 2017 is not complied with. Perusal of the order of this Court shows that the institute and headmaster were before this Court challenging the order dated 30th January, 2015 passed by the Commissioner, Tribal Development Department, Maharashtra State, Nashik. The said order dated 30th January, 2015 is also placed on record.

3. Perusal of the above referred order shows that the Commissioner, Tribal Development Department, considering the grievance of the

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petitioner, directed Additional Commissioner to take necessary steps to reinstate the petitioner. Copy of the said order was also provided to the institute. It was submission of the Counsel that as the petition filed by the institute is dismissed and as the order of the Commissioner is uphold by this Court and as till date, no steps are taken by the respondents, non action of the respondents is an act of contempt of this Court.

4. On behalf of respondent Nos. 3 to 5, reply is filed by Mr. Girish s/o Narendra Sarode, occupying the post of Additional Commissioner, Tribal Development Department, Amravati. In the said reply, reference is made to exchange of various communications. Reply filed on behalf of respondent Nos. 1 and 2 shows that respondent Nos.1 and 2 are raising ground of maintainability in opposing the contempt petition.

5. Mr. Killarikar, learned Counsel appearing for respondent Nos. 1 and 2 invited our attention

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to the affidavit in reply and submitted that respondent Nos. 1 and 2 raised ground of maintainability of the present contempt petition. There is merit in the submission of Mr. Killarikar, learned Counsel appearing for respondent Nos. 1 and 2.

6. Considering these facts, we dispose of the contempt petition, with a liberty to the petitioner to avail appropriate remedy if so advised. The petition is disposed of with liberty as granted by us.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

S.U.
Tupe
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