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

**SUO MOTO CONTEMPT PETITION NO.2 OF 2018
IN
WRIT PETITION NO.837 OF 2018**

The Registrar (Judicial),
High Court of Bombay,
Bench at Aurangabad

..PETITIONER

VERSUS

1) The State of Maharashtra
Through Its Secretary,
School Education Department,
Mantralaya, Mumbai – 32
(As a formal party)

2) Bhawana Patilbuwa Rajnur,
Education Officer (Primary)
Zilla Parishad, Beed
At present working as
Divisional Secretary at
Maharashtra State Board of
Secondary and Higher
Secondary Divisional Board,
Washi,
Navi Mumbai

..RESPONDENTS

Mr G.O. Wattamwar , A.G.P. for respondent no.1;
Mr U.S. Mote, Advocate for respondent no.2

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

DATE : 5th October, 2018

ORAL ORDER:

The present suo moto contempt was initiated in view of the

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observations of this Court in the judgment and order dated 13th April, 2018 in Writ Petition No.837 of 2018. In Writ Petition No.9709 of 2016, by order dated 23rd November, 2017, the Education Officer was directed not to reject the proposal on the ground that surplus candidates were available. The Education Officer, on 3rd January, 2018 rejected the proposal assigning the very ground. The Division Bench of this Court was pleased to set aside the order dated 3rd January, 2018. Rule was made absolute in terms of prayer clauses (B) and (C) and Registrar (Judicial) was directed to register suo moto contempt petition against respondent no.2 Education Officer (Primary), Zilla Parishad, Beed.

2. On 21st September, 2018 Smt. Bhavna d/o Patilbuwa Rajnur, Education Officer (Primary), Zilla Parishad, at present posted at Ratnagiri, was present before this Court. Time was sought for to take necessary steps for engaging a Counsel and submitting reply affidavit.

3. Learned Counsel for respondent no.2 invited our attention to the affidavit in reply filed on behalf of respondent no.2 Smt. Bhavna d/o Patilbuwa Rajnur. At the outset, respondent no.2 Smt. Bhavna d/o Patilbuwa Rajnur tenders unconditional apology and regret. In the affidavit in reply it is further stated that the order dated 3rd January, 2018 was passed only because of inadvertence and because of a communication gap, namely, the earlier order passed by this Court was not brought to the notice of Smt.

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Rajnur. Respondent no.2 was under an impression that she was to decide the proposal expeditiously within a stipulated period of three months and under a misconception and due to pure inadvertence, the order dated 3rd January, 2018 was passed. The statement is also made at paragraph 5 of the affidavit in reply that she will take care and caution in future not to disobey or disrespect any order of the Honourable Court. Learned Counsel, on instructions orally submitted that Smt. Rajnur worked in the Education Department for approximately 20 years. As respondent no.2 Smt. Rajnur, who is personally present in this Court, expressed her unconditional apology and undertaking is also given to the Court that in future she will take care and caution to comply the orders of the Court, we accept the unconditional apology and statement made to this Court. As the apology and the statement of respondent no.2 is accepted, the contempt is purged and the petition is accordingly disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

amj

**Anant
Manohar
Joshi**

Digitally signed
by Anant
Manohar Joshi
Date:
2018.10.08
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