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

**CONTEMPT PETITION NO.420 OF 2018
IN
WRIT PETITION NO.1986 OF 2018**

Bahujan Samaj Prabodhan
Shikshan Sanstha, Kotul,
Through its Secretary,
Shri. Jaywant s/o Ramchandra Salve,
Age: 61 years, Occu: Secretary & Agril.,
R/o.: Kotul, Tq. Akole,
Dist. Ahmednagar

..PETITIONER

VERSUS

1. Shri. Nandkumar,
Education Secretary,
School & Sports Department,
Mantralaya, Mumbai-32
2. Shri. Vishal Salunke,
Education Commissioner,
Central Building, Pune-1
3. Shri. Gangadhar Mhamane,
Director of Education, Maharashtra,
Central Building, Pune-1
4. Shri. Ramchandra Jahdave (Acting Incharge),
The Deputy Director of Education,
Pune Division, Pune-1,
17 Dr. Babasaheb Ambedkar Marg,
Opp. Red Temple, Pune-1
5. Shri. Dinkar Temkar (Then Deputy Director),
The Deputy Director of Education,
Pune Division, Pune-1
17 Dr. Babasaheb Ambedkar Marg,
Opp. Red Temple, Pune-1
6. Shri. Laxman Pole,
The Education Officer (Secondary),
Secondary Education Department,
Zilla Parishad, Ahmednagar

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7. Shri. Sanjeevan Dive,
The Education Development Officer
(Secondary), Secondary School Education
Department, Zilla Parishad,
Ahmednagar

..RESPONDENTS

WITH
CONTEMPT PETITION NO.443 OF 2016
IN
WRIT PETITION NO.5772 OF 2014

Bahujan Samaj Prabodhan
Shikshan Sanstha, Kotul,
Through its Secretary,
Shri. Jaywant Ramchandra Salve,
Age: 55 years, Occu: Secretary,
R/o.: Kotul, Tq. Akole,
Dist. Ahmednagar

..PETITIONER

VERSUS

1. Shri. A. K. Nandkumar,
Through the Secretary,
Education Department,
Mantralaya, Mumbai-32
2. Shri. Namdev Jarak,
the Director of Education,
Maharashtra State, Pune,
Division Pune
3. Shri. Dinkar Temkar,
The Deputy Director of Education,
Pune Division, Pune,
District Pune
4. Shri. Laxman Pole,
The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
District Ahmednagar

..RESPONDENTS

Mr S. S. Kulkarni, Advocate for petitioner;
Mr G. O. Wattamwar, A.G.P. for respondents/State

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

DATE : 5th October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. These two petitions are filed with a grievance that the orders of the Division Bench of this Court, dated 26th February, 2018 and 6th July, 2015 are not complied with.

3. Perusal of the order dated 26th February, 2018, passed in Writ Petition No.1986 of 2018 shows that the petitioner has filed appeal before the authority and same was pending without there being any decision for a considerable period. As such, on the instructions received from learned Asstt. Govt. Pleader, the Division Bench of this Court disposed of writ petition, accepting the statement that the authority would decide the appeal within a stipulated period of four weeks from the date of the order. There was some error in reference to the authority and the said error was corrected by an order dated 5th March, 2018 and the Director of Education, as such, was to decide the appeal within a stipulated period. Considering this grievance, the order was passed on 26th January, 2018.

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4. The affidavit-in-reply is filed on behalf of respondent Nos.2 to 4. The authorities expressed their unconditional apology for the delay and a statement was made in the affidavit-in-reply that the decision would be taken on the appeal filed by the petitioner within a period of four weeks. The said affidavit-in-reply is filed on 10th July, 2018.

5. Learned Asstt. Govt. Pleader, on instructions, submitted before us that the hearing before the Director of Education was scheduled on 6th August, 2018 and 9th August, 2018. It was also submitted before us, on instructions by learned Asstt. Govt. Pleader that the notice of hearing was also issued to the petitioner, but on those two dates, the petitioner could not remain present before the authority and as such, the hearing was again scheduled on 27th August, 2018. Learned Counsel appearing on behalf of the petitioner submits that no such notice is received by the petitioner.

6. Considering the above referred facts, we are of the opinion that without going into controversy whether the notice was issued or whether the notice was received by the petitioner, it would be in the interest of the parties to direct the petitioner to appear before the authority, namely, the Director of Education, Maharashtra State, Pune on a fixed date and then the directions to the authority to decide the appeal within a stipulated period, would serve the purpose and the same would result in redressal of the grievance of the petitioner.

7. Learned Counsel for the petitioner, on instructions of the petitioner, who is present in the Court, submitted that the petitioner is ready to go before the authority i.e. the Director of Education on 15th October, 2018. Learned Asstt. Govt. Pleader submits that on appearance of the petitioner on 15th October, 2018, the Director of Education would decide the appeal, as expeditiously as possible .

8. In view of above, we direct the Director of Education to decide the appeal filed by the petitioner within a period of three weeks from 15th October, 2018.

With these directions, the petitions are disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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