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

**CONTEMPT PETITION NO.783 OF 2017
IN
WRIT PETITION NO.2915 OF 2013**

Punayshlok Ahilyadevi Jivan
Vikas Mahila Mandal Ahmedpur,
Through its Secretary
Sow. Shoba Rajaram Gunthe,
Age: 52 years, Occu: Service,
R/o Thodga Road, Ahmedpur,
Dist. Latur

..PETITIONER

VERSUS

Dinesh Waghmare
The State of Maharashtra
Through its Secretary,
Social Justice and Special Assistance,
Mantralaya, Mumbai

..RESPONDENT

Mr V. D. Hon, Senior Advocate instructed by Mr D. S. Kudle, Advocate for
petitioner;
Mr S. S. Dande, A.G.P. for respondent

**CORAM : PRASANNA B. VARALE
AND**

MANISH PITALE, JJ.

DATE : 30th August, 2018

ORAL ORDER:

Heard Mr Hon, learned Senior Advocate instructed by Mr D. S. Kudle, learned Counsel for the petitioner and learned Asstt. Govt. Pleader for respondent.

2. The Division Bench of this Court, by an order dated 21st August, 2015, disposed a bunch of petitions. A challenge was raised in the petition to the Government Resolution dated 21st January, 2013 and Corrigendum

(2)

issued on 24th January, 2013.

3. The Division Bench, in the opening part of the order itself states that these Government Resolutions were ended at a promise to provide substantial financial help to the petitioner and similarly placed societies who manage petitioners Colleges for V.J.N.T. along with Ashram School. It is then stated that on 8th February, 2013, the State of Maharashtra suspended the implementation of this resolution along with Corrigendum for the reason that it would cause burden on Government exchequer and concurrence of the Finance Department was not obtained.

4. Though the Division Bench recorded that the suspension occurred within a short span of two weeks, it further observed that some promise was given by the State Government, as such, it would be in the fitness of the things that the Government to take appropriate decision on the fate of the Resolution dated 21st January, 2013 along with Corrigendum as expeditiously as possible and within a stipulated period of one year from the date of the order.

5. Mr Hon then invited our attention to the representations and copy of one of such representations is placed along with the petition. He further submits that though the order was passed by this Court in the year 2015, the State Government was not serious in taking any action so as to comply the order of this Court. He then invited our attention to the orders passed by

(3)

this Court, dated 1st March, 2018, 21st March, 2018 and 3rd May, 2018.

6. Perusal of the record then shows that on 6th June, 2018, a communication was forwarded to the authorities, namely, the Director, V.J.N.T., Other Backward Classes and Special Backward Classes Welfare, Pune, the Regional Deputy Commissioner of Social Welfare, Aurangabad and the Assistant Commissioner, Social Welfare, Aurangabad. A request was made to seek sometime as the issue was pending for consideration before the State Government.

7. Today, Mr Dande, learned Asstt. Govt. Pleader submits that the State Government issued a latest Resolution. A copy of the said Resolution dated 3rd August, 2018 is made available by learned Asstt. Govt. Pleader for our perusal and same is taken on record and marked as 'X' for identification. Learned Asstt. Govt. Pleader further submits that there is a delay in taking a decision by the State Government but the reasons are reflected in the Government Resolution itself and it is about seeking concurrence and deciding the issues at various levels. He further submits that the delay caused in taking decision was for bona fide reasons and unintentional. He then submits that by way of the Government Resolution dated 3rd August, 2018, the State Government has decided to cancel all earlier Government Resolutions, namely, Government Resolution dated 21st January, 2013 and Corrigendum dated 24th January, 2013 in view of the fact that initially no

(4)

concurrence was obtained from the Finance Department and the decision in the earlier Government Resolutions was leading as a financial burden on the State Government as this decision was in relation to provide non-salary grants to the Higher Secondary Ashram Schools. Perusal of the Government Resolution dated 21st January, 2013 and Corrigendum dated 24th January, 2013 reflects that the same are cancelled till the concurrence from the Finance Department and the Council of Ministers.

8. In view of the Government Resolution dated 3rd August, 2018, which is placed on record, in our opinion, the contempt petition has lost its efficacy. The petitioner, if is aggrieved by the said Government Resolution, may seek a challenge to the said Government Resolution by availing appropriate remedies including approaching the judicial forum. Mr Hon, learned Senior Counsel for the petitioner submits that the petitioner be permitted to avail such remedy, if so advised. We see no impediment for the petitioner to avail such remedy, if so advised.

9. In view of aforesaid facts, the petition is disposed of with the above referred observations keeping the liberty open for the petitioner to avail appropriate remedy.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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