

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

**CONT. PETITION NO.528 OF 2018
IN WP/12177/2016**

**GRAMIN BAL VIKAS SHIKSHAN SANSTHA THROUGH ITS
SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
**Advocate for Petitioners : Rodge Pratap G.
AGP for Respondents: Mr.K.B.Jadhavar**

...

**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL,JJ.
DATE : 13/12/2018**

PER COURT :-

Heard Mr.Rodge, learned counsel for the petitioners.

2] Perused the orders of this Court dated 24/7/2018 and 22/11/2018. The grievance raised in the petition about non compliance of the order of this Court dated 20/9/2017 is in the nature of delay in the decision of proposal submitted by the petitioner for grant-in-aid within the stipulated period directed by this Court.

3] In response to the notice issued by this Court to respondents no.2 and 3, affidavits in reply are filed on behalf of both these respondents viz. The Commissioner of Education,

Pune Shri Vishal Solanki and Director of Education (Primary), Pune Shri Sunil Chauhan. The respondents Shri Vishal Solanki as well Shri Sunil Chauhan are personally present in this Court. Learned Government Pleader Mr. Girase representing these respondents invited our attention to the affidavits in reply filed on behalf of these respondents. The learned Government Pleader submitted that these respondents tendered unconditional apology for the failure to respond the notice of this Court promptly as well for the delay in decision. The learned Government Pleader also invited our attention to the statements made in the affidavits in reply. These statements allege that one of the respondents submitted that the failure to respond the notice was due to a reason beyond his control and this was a *bonafide* mistake. Similarly it is submitted by another respondent that the delay caused due to the heavy load of work and the ongoing assembly session.

4] The learned Government Pleader also invited our attention to the statement that for the delay in decision, the respondents tendered their unconditional apology and then our attention was invited to decision taken by the State Government and communication to the petitioner institute itself on 18/8/2018 and also to the Divisional Deputy Director of Education, Latur Division, Latur. The decision is received by office of Deputy Director of Education on 7/9/2018 whereas on the very day it is communicated to the petitioner institute. The reason is also assigned for rejection of the proposal. Thus considering this fact situation that the State Government authority decided the

proposal assigning the reasons, as such, though there is delay, order of this Court is complied with and for the delay, unconditional apology is tendered to this Court. We accept the unconditional apology considering the fact that the petitioner would be at liberty to challenge the decision if he feels aggrieved by the decision, by availing appropriate legal remedies. We see no reason to pass any further order.

5] The petition is accordingly disposed of. The notice issued under the Contempt of Courts Act is discharged. Contempt Petition is disposed of accordingly.

(MANGESH S. PATIL,J.)

(PRASANNA B. VARALE,J.)

umg/