

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

**CONTEMPT PETITION NO.497 OF 2017
IN WRIT PETITION NO.4232 OF 2016**

...

**ANANT KAMLAKAR JOSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr.B.S.Kudale, Advocate for the petitioners
Mr.P.N.Kutti, AGP for the respondent/State
Mr.A.R.Tapse, Advocate holding for
Mr.P.D.Suryawanshi, Advocate for respondent no.3.

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**CORAM: S.S. SHINDE AND
S.M.GAVHANE, JJ.
DATE : 24.01.2018**

ORDER:

1] This Petition alleges willful disobedience of the order passed by this Court in Writ Petition No.4232 of 2016, on 17th October, 2016, thereby directing respondent no.3 to consider the proposal forwarded to it seeking approval to the appointments of the petitioners as Assistant Teachers on its own merits, in accordance with law. It was further observed that the said proposal shall not be rejected on the

ground that at the time when petitioners were appointed there was ban on recruitment. There was direction to take decision as expeditiously as possible, however, preferably within a period of three months from passing the said order.

2] Learned counsel appearing for respondent no.3 has tendered across the Bar copy of the letter written by the Education Officer [Primary], Zilla Parishad, Beed, addressed to respondent no.5 i.e. the Head Master, Yogeshwari Nutun Primary School, Ambajogai, District Beed. The said letter is taken on record, and marked 'X' for identification purpose.

3] Upon careful perusal of the contents of the said letter, the approval is granted to four Assistant Teachers, serving in the said School. In that view of the mater and since the directions have been complied with by respondent no.3, further orders are not necessary in the present Contempt Petition.

4] However, we issue note of caution to respondent no.3 that whenever the directions are issued by the High Court or any Court of Competent jurisdiction, respondent no.3 shall adhere to the said directions within stipulated time, as mentioned in the order. If due to administrative difficulties, it is not possible to comply / adhere to the said direction, it is always open to apply for extension of time. However, in the present case, respondent no.3 did not apply for extension of time.

5] In the light of discussion herein above, respondent no.3 shall take care in future to adhere to the directions / compliance of the order within stipulated period. The Supreme Court in the case of *Suresh Chandra Poddar Vs. Dhani Ram and others*¹ has taken a view that even where the order of court is complied with, subsequent to receipt of notice of contempt, court should show judicial grace and magnanimity in dealing with action for contempt.

1 [2002] 1 SCC 766

6] With above observations, the Contempt
Petition stands disposed of.

7] Needless to observe that pursuant to the
approval granted by respondent no.3 all other
consequences would follow.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE

DDC