

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

**CONTEMPT PETITION NO.523 OF 2017
IN
WRIT PETITION NO.6095 OF 2010**

Saraswati Education Society,
Kinwat District Nanded
Through its President,
Venkatrao s/o.Mukundrao Nemmaniwar,
Aged : 68 Years, Occu: Business,
R/o. Velmapura, Kinwat,
Tq. Kinwat, Dist. Nanded. **PETITIONER**

VERSUS

1. The State of Maharashtra
[The Department of Secondary
Education, Govt. of Maharashtra
Mantralaya, Mumbai, Mumbai-32
Shri Nand Kumar
Through the Secretary]
2. The Director of Education [Secondary]
Maharashtra State, Central Building,
Pune. Shri Sunil Magare.
3. The Education Officer (Secondary)
Zilla Parishad, Nanded
Miss Jayashree Gore **RESPONDENTS**

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Mr.A.G.Godhamgaonkar, Advocate for the
Petitioner
Miss S.S.Raut, AGP for respondent-State
...

**CORAM: S.S.SHINDE &
S.M.GAVHANE, JJ.**

Reserved on : 18.04.2018
Pronounced on : 20.04.2018

ORDER: (Per S.S.Shinde, J.):

1] This Contempt Petition alleges willful disobedience of the order dated 16th July, 2012 passed by the Division Bench of this Court [Coram : B.P.Dharmadhikari & Sunil P. Deshmukh, JJ.] in Writ Petition No.6095/2010 [Saraswati Education Society Vs. The State of Maharashtra & others]. It is alleged that, though the Division Bench of this Court [Coram : B.P.Dharmadhikari & Sunil P. Deshmukh, JJ.] directed the respondents to take fresh decision on the proposals of the petitioner, seeking grant of permission from the State Government to start secondary school at Bodhadi, no decision was taken by the respondents on the said proposal.

2] Pursuant to the notices issued to

the respondents, respondent nos.1 to 3 have filed affidavit-in-reply. In para 5 of the said affidavit-in-reply, it is stated that, while disposing of the Writ Petition No.6095/2010 filed by the present petitioner, the respondents were directed to take into consideration Master Plan, if any, before taking any decision on the proposals submitted by the petitioners. The High Court has also directed that, as proposals submitted by the petitioners are old and may not be in conformity with new law or policy, we grant them time of six weeks to remove lacuna-infirmities, if any, to bring their proposal in conformity with present position. Respondents shall take fresh decision in the matter within further period of four months after expiry of said period of six weeks. It is further stated in para 6 of the said affidavit-in-reply that, the village Bodhadi, Tq. Kinwat, Dist. Nanded, did not find place

in the Master Plan prepared by the State Government, vide Government Resolution dated 14.06.2012. Further again the State Government has included more villages in the existing Master Plan vide Government Resolution dated 26.04.2013 and Government Resolution dated 07.02.2014 respectively. But in both these revised Master Plans, the name of the village Bodhadi was not included. It is further stated that, the petitioner did not take benefit of the provisions of the Maharashtra Self Finance Schools [Establishment and Regulations] Act, 2012. It is further stated that, the State Government had issued Government Resolution dated 2nd March, 2017, and thereby cancelled all the Master Plans and also all the proposals regarding opening of new Secondary Schools as per the Master Plan. Therefore, after the issuance of Government Resolution dated 2nd March, 2017, again the policy of the

State Government undergone change. Therefore, vide letter dated 23rd March, 2018, respondent no.3 has sought guidance from respondent nos.1 and 2 regarding the pending proposal of the petitioner. It is further stated that, decision in respect of the proposal of the petitioner will be taken preferably within a period of three months considering the situation that the village Bodhadi did not find place in any of the Master Plans issued by the State Government, and after coming into force Government Resolution dated 2nd March, 2017 by which all the Master Plans has been cancelled. Respondent nos.1 to 3 have tendered unconditional apology for the delay being caused in taking the decision on the proposal submitted by the petitioner.

3] We accept the unconditional apology tendered by respondent nos.1 to 3, however, as prayed by respondent nos.1 to 3, we grant

time to take decision on the proposal of the petitioner till 5th June, 2018. We make it clear that, in case respondent nos.1 to 3 fail to take decision on the proposal of the petitioner; on such failure, this Court may initiate contempt proceedings against respondent nos. 1 to 3 under the provisions of the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India.

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

5] List for compliance under the caption 'for compliance' on 8th June, 2018.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE