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

**CONTEMPT PETITION NO.750 OF 2017
IN
WRIT PETITION NO.5925 OF 2017**

Tukaram Baliram Paul & ors.

..PETITIONERS

VERSUS

Asim Gupta,
Secretary,
Rural Development & Water
Conservation Department,
Mumbai & ors.

..RESPONDENTS

Mrs A.V. Gondhalekar , A.G.P. for respondent-State;
Mr A.D. Aghav, Advocate for respondent no.4
Mrs More, Advocate holding for Mr K.U. More, Advocate for respondent
no.6

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

DATE : 23rd October, 2018

ORAL ORDER:

The petition was called in the first session. As none was present for the petitioner, the petition was kept in second session. Even on the second call none appeared for the petitioner.

2. Mrs More, learned Counsel, instructed by Mr More appearing on behalf of respondent no.6 by inviting our attention to the affidavit in reply

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filed on behalf of the Chief Executive Officer, Zilla Parishad, Jalna submitted that the order of this Court is complied with in letter and spirit. Learned Counsel submitted that by order dated 23rd June, 2017, passed in Writ Petition No.5925 of 2017, the respondents-authorities i.e. Zilla Parishad was directed to pass orders afresh by giving an opportunity of hearing to the petitioners. Learned Counsel then submitted that in view of the order of this Court notices were issued to the petitioners and they were called upon for hearing which was scheduled on 8th July, 2017. A copy of the notice is also placed on record along with affidavit in reply as annexure R-1. Then the learned Counsel submitted that some of the petitioners attended the hearing personally, whereas some of the petitioners submitted their written submissions. Learned Counsel submitted that on hearing the parties, the Chief Executive Officer passed the order. The order is also placed on record. Perusal of the order shows that the hearing was scheduled on 8th July, 2017 and the Teachers at Sr. Nos.4 and 41 refused to endorse on the attendance sheet and submitted their written submissions. Then each of the petitioners was given an opportunity of hearing. The petitioners submitted that they have prepared written submission. That written submission was also accepted. Chief Executive Officer thus by giving an opportunity of hearing to the petitioners passed an order afresh. The Chief Executive Officer of the Zilla Parishad could not find any favour with the petitioners and resultantly refused to grant their request for absorption in Zilla Parishad, Beed. Thus, a reasoned order is passed by the Chief

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Executive Officer of the Zilla Parishad and we have no hesitation to say that this is a compliance of the order of this Court in letter and spirit. If the petitioners are aggrieved by the said decision, they are certainly at liberty to avail the appropriate remedy for challenging the decision, if so advised.

Contempt Petition is accordingly disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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