

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

CPMTEMPT PETITON (ST.) NO. 18474 OF 2017

Shri Hanmant Vitthal Jadhav and another. ... Petitioners.  
V/s.

Mr.V.M.More, The Chairman of Maharashtra  
Public Service Commission and others. ... Respondents.

Mr.Zaid Mansuri i/b. C.K.Legal for the petitioners.  
Mr.Nitin Dalvi for respondent Nos.1 and 2.  
Mr.P.P.More, AGP for respondent No.3.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 10<sup>th</sup> October 2018.

P.C.:

The learned counsel appearing for the petitioners seeks time. The breach alleged is of the order dated 29<sup>th</sup> February 2016 passed by the first Court. The petitioners filed Original Application No.912/2011 before the Maharashtra Administrative Tribunal (for short "Tribunal"). By order dated 15<sup>th</sup> April 2013, the said original application was allowed directing the second respondent to re-evaluate the marks obtained by the petitioner Nos.1 and 2 (applicant Nos.1 and 2 in Original Application No.912/2011) and thereafter to add the marks obtained in interview and then accordingly place them in the merit list. The said decision of the Tribunal was challenged by the second respondent by filing Writ Petition No.5866/2014 in which the aforesaid judgment and order dated 29<sup>th</sup> February 2016 has been passed. The writ petition filed by the second respondent was dismissed. A direction was issued to the second

respondent to complete the process in terms of the order of the Tribunal as expeditiously as possible. The learned counsel appearing for the second respondent has produced before the Court a copy of Writ Petition (St.) No.11372/2018 filed by the petitioners. We have perused the said petition. In the said writ petition, there is a challenge to the communication dated 8<sup>th</sup> September 2017. It is contended in the said writ petition that only to avoid proceeding for contempt, the order/communication dated 8<sup>th</sup> September 2017 was issued regarding the result of re-evaluation as directed by the Tribunal. In fact, Writ Petition (St.) No.11372/2018 has been filed by the petitioners for challenging the said decision of 8<sup>th</sup> September 2017.

2. The writ petition filed by the second respondent was dismissed by order dated 29<sup>th</sup> February 2016. While dismissing the petition, a direction was issued to the first and second respondents to comply with the order of the Tribunal as expeditiously as possible. Though the compliance was not made in a reasonable time, belatedly, the order dated 8<sup>th</sup> September 2017 has been passed which is a subject matter of challenge in a separate writ petition filed by the petitioners. Therefore, we are of the view that this is not a fit case wherein action under the Contempt of Courts Act, 1971 can be initiated against the respondents. Accordingly contempt petition is disposed of.

(M.S.SONAK, J.)

(A.S.OKA, J.)