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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10663 OF 2018

Smt. Jai Jaydas Mayekar .. Petitioner

Vs.

Chief Election Officer,
Election Commission of India & ors. .. Respondents

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Mr. Rakesh Bhatkar for the petitioner.

Mr. S.B. Kalel, AGP for respondent – State.

Mr. Rishin Mantri I/by Mr. S.B. Shetye for the respondent No.2.

Mr. Mohan N. Devkule for respondent No.5.

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**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.**

DATE : 16th OCTOBER, 2018

P.C. :

In pursuance to the order passed by this Court dated 5th October, 2018, Shri Amit Tanaji Shedage was personally present in this Court on 11th October, 2018. However, on that date the affidavit was not filed and as such, the matter was adjourned today.

2. We had issued notice to Shri Amit Tanaji Shedage working as Sub Divisional Officer and Electoral Registration

Officer, Ratnagiri Assembly Constituency, since we are of the view that the said officer had disobeyed the order passed by this Court and acted contrary to the interim orders passed by the Division Bench on 21st September, 2018.

3. The petitioner had approached this Court being aggrieved by the appointment of the election duty to the petitioner. The petitioner had pointed out certain personal difficulties on account of which she was not in position to do the duty. She had also made arrangements for willingness to be given by respondent No.5 to act as a substitute.

4. The Division Bench of this Court by an order dated 21st September, 2018 had restrained the respondents from taking any coercive action against the petitioner. However, in spite of the said order dated 21st September, 2018, the Noticee had issued another order dated 29th September, 2018 stating therein that, what the Court had directed was not to take any coercive action against the petitioner but had not restrained him from giving her election duties. He has also passed an order

directing the respondent No.5 to do election duty but not as a substitute to the petitioner.

5. We have no hesitation to place on record that the Noticee had no business to interpret the order passed by this Court and in any way, in a manner which would amount to showing disregard to the direction issued by this Court.

.6 We could have taken very serious view of the matter, however, Noticee has realized his mistake and has withdrawn all the impugned orders as well as the subsequent orders. He has also tendered an unconditional apology. Taking into consideration the fact that he is a young officer and has a long way to go, we do not take a serious view of the matter. We accept the apology and discharge the notice issued to him.

7. In so far as the petition is concerned, the petition has served its purpose and as such disposed of.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)