

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.361 OF 2017

Smt. Sarla Damu Kolhe

.. Petitioner

Vs.

Dy. Director of Education & Ors.

.. Respondents

Mr. Akhil A. Kupade i/b. Manoj Harit & Co. for the petitioner.

Mrs. Vaishali Nimbalkar, AGP, for respondent nos.1 & 2.

Mr. A. R. Avachat for respondent nos.3 to 5.

CORAM : A.K. MENON, J.

DATED : 19TH MARCH, 2018.

P.C. :

1. By this contempt petition, the petitioner seeks initiation of contempt proceedings against the respondent authorities for willful non-compliance of order passed by this Court in Writ Petition no.888 of 2016 dated 26th February, 2017. By the said order, the Court recorded a statement that the Education Officer had directed that the suitable action would be taken against the management if they did not comply with the directions of the Education Officer. This order was reportedly communicated to the Education Officer. The petition came to be disposed of since the order passed by the Education Officer was not under challenge.
2. The learned counsel for the petitioner states that the certain other

aspects of the Education Officer is order dated 11th/19th August, 2015 have not been complied with and that the order dated 13th January, 2003 passed by the School Tribunal has not been complied with. However, in my view that grievance cannot be considered in the contempt petition which is directed against the respondent for non-compliance of the aforesaid order dated 26th February, 2017.

3. On behalf of the respondent nos.1 and 2, the learned AGP relies upon an affidavit of one Nitin Bachhav, Education Officer, respondent no.2, in which the deponent has stated that respondent nos.3 to 5 being the management of the school, has not complied with the directions issued by the deponent and this has resulted in discontinuation of non-salary grant for Rs.1,92,820/- which was due to be paid for academic year 2015-16 and thereafter also. The learned AGP states that the grant has since been stopped and in view of the failure of the management to comply and given the fact that the respondent no.2 is not empowered to appoint an administrator on the secondary school run by the private management, a proposal to that effect has been forwarded to the Deputy Director,respondent no.1. She relies upon Exhibit R-1 to the affidavit in reply which says that on 5th March, 2018 such recommendation has been made to respondent no.1. In the circumstances, in my view no orders are required.
4. In view of the letter dated 5th March, 2018 addressed to respondent

no.1, this Contempt petition can be conveniently disposed of with the following order:

- (i) Respondent no.1 shall deal with the request and recommendation contained in letter dated 5th March, 2018, Exhibit R-1 to affidavit of Mr. Nitin Bachhav, dated 13th March, 2018 and take a decision in accordance with law within a period of six weeks from the date of service of a copy of an authenticated copy of this order upon him.
- (ii) The Dy. Director will take into consideration the representation if any, to be made on behalf of respondent nos.3 to 5 before passing orders.
- (iii) Contempt petition is disposed of in the above terms.

(A.K. MENON,J.)

wadhwa