

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

CONTEMPT PETITION NO. 186 OF 2017

...
 Dr. Mishra Umesh Chandrashekhar And OrsPetitioners
 V/S

The State Of Maharashtra, Thru. Govt. Pleader
 And Anr.Respondents

...
 Mr.Santosh Saroj i/b Nishad Jitesh Premnath For Petitioner
 Ms.P.N.Diwan,AGP for Respondent No.1.
 Mr.R.V.Bansode a/w Ms.Sheetal M. Ubale for Respondent No.2.

...
CORAM : A.A. SAYED &
A.K.MENON, JJ.

DATED : 20 DECEMBER 2018

P.C.:

The Contempt Petition is filed alleging breach of the order of this Court dated 3 March 2016. Paragraphs 5, 6, 7 & 8 of the said order read as follows:

“5. We have considered this request coming from all of the petitioners. They claim to have completed the educational course and obtained a genuine degree so as to enable them to practice as Homeopathy doctors in the State of Maharashtra. However, they say that the Maharashtra Council of Homeopathy has passed an adverse order only because it was of the view that the course that they claim to have undertaken at the Dr. Babasaheb Ambedkar University in the State of Bihar State is not the recognized or authorized course nor is the institution recognized or authorized one. Thus, this is not an approved course at an affiliated institution and the degree which is awarded by an established entity, namely, a University. However, the petitioners would

produce the requisite proof and if it is so produced, the second respondent – Council will duly consider it and pass appropriate orders within a period of four months from the date of receipt of the representations / applications.

6. The petitioners state that they would make the representations / applications accompanied by the requisite documents and proofs within a period of two weeks from today. If each of the petitioners make such an application with the requisite documents accompanying them, then, the Council shall verify and scrutinize each of these applications and take the requisite steps in accordance with law within a period of four months from the date of receipt thereof.

7. We clarify that this is only a request from the petitioners which we have recorded and beyond that we were clearly disinclined to grant any relief on this petition, particularly in the light of this Court's earlier orders and directions. However, since the petitioners prayed that they still have these proofs with them and if one opportunity is given, they could claim an equitable and discretionary relief from the Council that we have allowed them to withdraw the Writ Petition with liberty to approach the Council. Our order and direction does not mean that the Council must take a particular decision. It is free to act and in accordance with law.

8. The Writ Petition is dismissed as withdrawn. This order is passed in the presence of all the petitioners, except petitioner No.3 who also has authorized petitioner No.10 to make the request as above.

(emphasis supplied)

2. Pursuant to the order dated 3 March 2016 passed by this Court, the Petitioners have made a common Application, instead of making individual separate Application. Perusal of the common Application shows that no documents have been submitted alongwith the Application. The learned Counsel for the Respondent No.2 submits that the Petitioners have not complied with the order dated 3 March 2016, in that, no documents/proofs have been submitted to enable the Authority to take a decision. In the circumstances, we find that no case is made out for contempt action. The Contempt Petition is, accordingly, dismissed.

(A.K.MENON,J.)

(A.A.SAYED, J.)