

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 102/2015 IN WRIT PETITION NO. 1430/2012.

Alhuda Multipurpose Education Society, Akot.

-VERSUS-

Shri Nandkunmar, Secretary of Education.... and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : JANUARY 05, 2018.

Heard Shri S.U. Nemade, learned Counsel
for the petitioner, Ms. N.P. Mehta, learned A.G.P. for
respondents.

2. We find that the Contempt Petition is not
being properly attended to by the petitioner or by
respondents. This Court has on 13.08.2012, disposed
of the Writ Petition No.1430/2012. It permitted
petitioner to make appropriate representation within
two weeks and Authority was expected to consider it
within a period of six weeks from the date after the
petitioner approached it. This time bound schedule

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was given because of the request of petitioner to permit to open new secondary school in Udru Medium.

3. Present Contempt Petition has been filed on 08.05.2015, pointing out violation of these directions. In Contempt Petition as drafted, initially one Smt. Ashvini Bhide was shown as respondent no.1 and one Dr. Shridhar Salunke, was shown as respondent no.2. However, it appears that on 11.01.2016, petition has been amended and Shri Nandkumar has been added as respondent no.1 and Shri N.K. Jarg, has been added as respondent no.2. This is obviously after notice issued by this Court in contempt on 28.04.2015.

4. On 28.04.2015, while issuing notice before admission, this court kept it open for respondents to comply with the court directions before the returnable date i.e. 16.06.2015.

5. Respondent no.1 Nandkumar, has filed his affidavit on 18.09.2017. In affidavit, he has in paragraph no.3 pointed out that the proposal submitted by the petitioner was not in proper format and through proper channel, and hence the same was rejected on 15.09.2014. He has further stated that

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this rejection was communicated to the petitioner by letter dated 28.03.2015, and copy of that letter is also produced as Annexure with the reply.

6. Grievance of petitioner is that he has never received the order dated 15.09.2014 or then dated 28.03.2015.

7. Facts show that order dated 15.09.2014, has been passed by one Shri R.G. Gunjal, the then Assistant Secretary on behalf of State Government. Shri Gunjal, has not been joined as party respondent before this Court, though petitioner got copy of the said order along with reply filed on 18.09.2017.

8. Along with said reply, there is one Government Resolution dated 02.03.2017, issued by the State Government only and that Government Resolution is again signed by very same person Shri Gunjal, in his capacity as Deputy Secretary.

9. Thus, if there is any delay in deciding the matter by Shri Gunjal, petitioner has not joined said Shri Gunjal, as party. If the proposal of petitioner was already rejected on 15.09.2014, present respondent no.1 cannot explain the delay by Shri Gunjal in adjudicating the representation. In this situation, why

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Shri Jarg, has been joined as party respondent is not very clear. We therefore, find that the petitioner has not tried to assist the Court in effectively taking the cognizance of the matter. Not only this, but, respondent no.1 Nandkumar has also not pointed out relevant details. Date on which court order was received by his department, date on which it was brought to the notice of Shri Gunjal, date on which representation was considered, are all the details which ought to have been placed on record to show that efforts were made to comply with the court directions at the earliest.

10. Shri Nandkumar, has remained satisfied by placing on record unconditional apology. With this situation, we find that the orders of this Court are not taken seriously by the petitioner as also by respondents. We refrain from saying anything more.

11. We grant petitioner leave to challenge the orders, if he is aggrieved thereby on merits in appropriate jurisdiction.

12. However, observations of this Court be communicated to Shri Nandkumar and Shri Gunjal, respectively by the office of the Government Pleader.

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Office of Government Pleader shall file an affidavit of its Superintendent stating that the orders have been so communicated within a period of two weeks from today. If the affidavit is not so filed, Registry to place the matter before this Court for further consideration.

13. Contempt Petition is disposed of accordingly. No costs.

JUDGE

JUDGE

Rgd.