

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.273/2017

IN

WRIT PETITION NO.1332/2016

Shahababu Education Society, District Akola and another

..Vs..

Shri Sitaram Kunte and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND Z.A.HAQ, JJ.

DATED : 17.7.2018.

1. Heard Advocate Shri M.V. Samarth for some time. Perused various orders of this Court passed in Writ Petition No.1332/2016.

2. We find that writ petition is disposed of on 5.4.2017. Though the respondent Nos.3 to 7 were supposed to issue certain directives / advisories they have taken time to do it. In totality of facts, we do not find delay itself constituting contempt. They have attempted to protect interest of government as also interest of students and management.

3. However, concern of Advocate Samarth on behalf of petitioners also cannot be ignored. Advocate Samarth has pointed out that petitioners have filed Civil Application No.2570/2017 in disposed of writ petition for appropriate directions including modifications / clarifications.

4. We find that grievance of Advocate Samarth is students, who get admissions in minority institution, after deposit of scholarship amounts in their bank accounts are not

interested in education, they withdraw the amounts and thereafter do not attend schools.

5. Though Advocate Samarth thereafter has got some other grievance, we find that if this be true, very purpose of scholarship scheme is frustrated. The students do not get desired education and public money is lost. This angle was not pressed into service before the Court when Writ Petition No.1332/2016 was disposed of.

6. In this situation, we find it appropriate to restore Writ Petition No.1332/2016 itself back to file for its appropriate further consideration. The Civil Application No.2570/2017 moved therein can be looked into, if occasion therefor arises. Accordingly, we recall order dated 5.4.2017 and restore writ petition back to file. Ms. Kalyani Deshpande, learned A.G.P. waives notice for respondent Nos.3, 4 and 5 in restored writ petition. Advocate Ms. M.R. Chandurkar, waives notice for respondent Nos.1 and 2 in restored writ petition.

7. Petition be placed for further consideration on 7th August, 2018.

8. It is open to respondents to file their reply to Civil Application No.2570/2017 in the meanwhile.

9. In view of this order, it is not necessary to keep contempt petition pending. It is **disposed of** accordingly.

JUDGE

JUDGE