

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CONTEMPT PETITION NO.204 OF 2019

IN

WRIT PETITION NO.6698 OF 2016

Suchita Chokhaji Ingle,
Age-38 years, Occu:Household,
R/o-Plot No.8, In front of
Amit Apartments, Nandanvan Colony,
Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra
in Home Department, Mantralaya,
Fort, Mumbai-32,
- 2) Dr. Pradip Jabde,
Age-Major, Occu:Service
as Registrar, Dr. Babasaheb
Ambedkar Marathwada University,
Aurangabad,
- 3) Varsha Kachru Agale,
Age-Major, Occu:Not known,
R/o-Plot No.19, Kirti Housing
Society, CIDCO, N-8, Aurangabad.

...RESPONDENTS

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Mr.Shirish M. Kamble Advocate for Petitioner.
Mr.P.G. Borade, A.G.P. for Respondent No.1.

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**CORAM: P.B. VARALE AND
R.G. AVACHAT, JJ.**

DATE : 19TH JUNE, 2019

ORDER :

1. Heard the learned counsel appearing for the Petitioner. The Petitioner, by way of present Contempt Petition, is before this Court with the grievance that the Judgment and order of this Court dated 8th March 2017, passed in Writ Petition No.6698 of 2016 is not complied and there is willful disobedience of the order of this Court.

2. The present Contempt Petition is based on an experience certificate issued by the Registrar, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. The submission of the learned counsel is that issuing such certificate to Smt. V.K. Agale, who was Respondent No.4 in Writ Petition No.6698 of 2016, is contrary to the order of this Court.

3. On perusal of the copy of said Writ Petition placed on record, it reveals that the principal prayer in the Writ Petition was prayer clause D) and the other ancillary prayers were prayer clause C) and E). The prayer clauses in Writ Petition No.6698 of 2016, reads thus:

"A) This Writ Petition may kindly be allowed.

B) Record and Proceedings be called for.

C) By issuing Writ of Mandamus or any other appropriate Writ, Order or Direction, the selection process held for the post of Assistant Professor pursuant to the Advertisement Dtd. 30.04.2016 issued by Resp. No.2 may kindly be quashed and set aside by directing the Resp. No.2 to conduct the fresh selection process for the Appointment of Assistant Professor as per law.

D) By issuing Writ of Mandamus or any

other appropriate Writ, Order or Direction, the appointment of Res. No.3 & 4 made by Resp. No.2 as per the Advertisement Dtd. 30.04.2016 may kindly be quashed and set aside.

E) To hold and declare that, the selection process conducted by the Resp. No.2 pursuant to the Advertisement Dtd. 30.04.2016 is illegal and is in violation of Article 14, 16, 19 and 21 of the Constitution of India.

F) By issuing Writ of Mandamus or any other appropriate Writ, Order of Direction, the Resp. No.2 may kindly be directed to decide the Application Dtd. 17.05.2016 filed by the Petitioner and to decide the said objection application.

G) Any other suitable and equitable reliefs be granted in favour of the Petitioner."

4. On going through the detailed Judgment of this Court dated 8th March 2017, it emerges that the Petitioners therein have approached this Court

challenging the selection of Respondent Nos.3 and 4 on the ground that Respondent Nos.3 and 4 are not possessing the requisite qualification and/or criteria. The Respondent University made an attempt to submit before this Court that tenure of Respondent Nos.3 and 4 would come to an end in April 2017 and hardly one month was left for the period for which appointment was given, so it may not be desirable to set aside the appointment orders. The submission made on behalf of the Respondent University could not find favour of this Court and resultantly, the Writ Petition was allowed by quashing and setting aside the appointments of Respondent Nos.3 and 4.

5. It is the submission of the counsel appearing for the Petitioner that in view of quashing and setting aside the appointment of Respondent Nos.3 and 4, the University ought not to have issued experience certificate in favour of

Smt. V.K. Agale, Respondent No.4 in the Writ Petition. Perusal of the experience certificate show that it only refers to the fact that Smt. V.K. Agale was an employee of the University on purely temporary basis on fixed salary for the period of 11 months. By no stretch of imagination we can say that issuance of this experience certificate either runs contrary to the order of this Court or is a willful disobedience of the order of this Court.

6. Considering this fact, we are of the opinion that the Contempt Petition is filed in this Court only on assumptions and presumptions of the Petitioner and the said being devoid of any merits, deserves to be dismissed at the threshold, and the same is accordingly dismissed.

[R.G. AVACHAT, J.]

[P.B. VARALE, J.]