

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**15 CONT. PETITION NO.310 OF 2019
IN WP/9577/2017**

HANMANT GANGADHARRAO KOKANE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.S. Panpatte, Advocate for the petitioners

Mr. P.V. Diggikar, AGP for the respondent Nos.1 to 3

...

**CORAM : PRASANNA B. VARALE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 22nd OCTOBER, 2019

PER COURT :

1 Heard Mr. V.S. Panpatte, the learned counsel for the petitioners. The petitioners were before this Court by way of the present Contempt Petition raising a grievance that the order dated 25.07.2018 passed by the Division Bench of this Court in Writ Petition No.9577 of 2017 is not complied with. On this grievance, on hearing the learned counsel for petitioners simple notice was issued to the respondent Nos.2 and 3, making the same returnable on 23.07.2019. In response to the notice an affidavit-in-reply is filed on behalf of Mr. D.V. Rathod, Regional Deputy Commission, Social

Welfare, Latur, on 11.07.2019. It is stated in the affidavit-in-reply at paragraph 4, that as per the order of this Court dated 23.10.2018, a decision has been taken within the stipulated period. An opportunity of hearing was granted to both the parties. The decision dated 23.10.2018 is placed on record at Exh.R/1 to the affidavit-in-reply. By assigning certain reasons the authority viz. The Regional Deputy Director, Social Welfare, Latur turned down the proposal for granting the approval for appointment of these petitioners. The reasons are specifically mentioned in the concluding part of the order and these reasons relate to question the advertisement, non availability of sufficient proof to show that the competent persons were called for the interview, no prior permission or approval sought for, no material to show that any interview committee was appointed. Thus, on these reasons the proposal for grant of approval was rejected.

2 Mr. V.S. Panpatte orally submitted before this Court that based this order, a three member committee was appointed by the State. This three member committee again took up the issue for grant of approval to the appointment of the petitioners. The learned counsel Mr. V.S. Panpatte in support of his submission invited our attention to the copy of order placed on record along with the contempt petition at Exh.'T'. It is the submission of learned counsel that the order passed by the Regional Deputy Director dated

23.10.2018 merged in the order of the three member committee. Though the submission of Mr. V.S. Panpatte looked attractive at the first blush, on the basis of record we are unable to accept the submission, for the simple reason that the report placed on record at Exh.'D', page 37 is under title that report of the committee constituted on 19.10.2018. This so called report concludes at page 40. Though this report is signed by the three members, there is no date under the signature of these members, and on the backdrop of this peculiar position we can safely say, that this three member committee report was prior to the decision of Deputy Director, as the Deputy Director's decision is of 23.10.2018 and it needs no arithmetical calculation to say that the committee's report, which is of 19.10.2018 is prior to the decision of Deputy Director because the Joint Director's decision is of 23.10.2018.

3 The learned counsel wants us to accept the submission, that a noting is stated at page 37 and the date is referred to therein as 07.12.2018. Now, this noting is as ambiguous as it can be and it is illegible. As such, we see no justifiable reason to accept the submission, that merely, there is a noting which is unreadable one, it can be presumed and can be hold by this Court that though the report is stated to be of dated 19.10.2018, it is actually a report of 07.12.2018. On these facts, this Court cannot entertain a petition titled as “Contempt Petition” and to accept the submission of the learned

counsel finding fault with an order passed by the Joint Director dated 23.10.2018, which is passed by the Joint Director in view of the order of this Court. Accepting the submission of Mr. V.S. Panpatte would be nothing but expanding the scope of the contempt petition and as it is settled position of law that the premises and compass of Contempt of Courts Act is limited, one and only on a submission raising a dispute on orders passed by the authority, which is prior to the order passed by a three member committee, which is prior to the order passed by the Regional Deputy Director in view of the order of this Court would be nothing but not only expanding the scope of the contempt petition, but expanding the compass of the contempt of Courts Act and we are unable to permit ourselves to undertake this exercise. The another submission of Mr. V.S. Panpatte is, the decision of three member committee is only a partial compliance of the order of this Court. At the costs of repetition we state, that this decision of three member committee is prior to the decision of Joint Director and secondly, if it is the submission of the learned counsel that the decision is partial compliance, then the petitioners have every liberty to challenge this order, if the petitioners are aggrieved by this order and such an order cannot lead a party to make a submission before this Court, that this partial compliance was an act of a willful disobedience of the order of this Court. Thus, on this count also we are unable to accept the

submission of Mr. V.S. Panpatte. The Contempt Petition, thus, being meritless, is dismissed.

(Smt. Vibha Kankanwadi)
JUDGE

(Prasanna B. Varale)
JUDGE

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