

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.489 OF 2019
IN
PUBLIC INTEREST LITIGATION NO. 3 OF 2016

Pandurang Rama Gaikwad.
Versus

Petitioner

Prafulla Dnyandeo Waghmare and anr.

Respondents

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Mr. V.V. Deshmukh, Advocate for the petitioner.

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**CORAM : PRASANNA B. VARALE &
AVINASH.G. GHAROTE, JJ.**

DATE : 20 September 2019.

ORDER :

. Heard learned Counsel for the petitioner at length.
On a assumption that there is non-compliance of the order of this
Court dated 29.06.2017 in Public Interest Litigation No. 3 of 2016,
the petition is filed and the submissions of the Counsel were on
the same impression.

2. On perusal of the order dated 29.06.2017, a copy of
which is placed on record at Exh-B, it clearly reveals that it is
observed by the Division Bench of this Court that, “we decline to
intervene in the impugned notification”. Thereafter the Division
Bench observed a word of caution. The petitioner himself has

placed on record the Circular issued by the Special Inspector General of Police (Establishment) dated 29.12.2017 at Exh-D as well the Circular of Commandant, Special Reserve Police Force Bit No.12, Hingoli. Both these communications clearly show that these communications are issued referring to the order of this Court and the first Circular dated 29.12.2017 concludes with a clear request to all officers that the order of the High Court be followed. We also find that the Circular issued by the Commandant specifically refers to the order of this Court and reiterates the caution referred to in the order of Division Bench. Thus, we see no reason to treat the petition as a petition raising a ground of non-compliance of the order of this Court and in our clear opinion there is nothing which would prompt this Court to say that the act of the respondent Authority would call for any action to state it as contempt of the Court. The petition being thoroughly merit-less and based only on assumption and presumption, deserves to be dismissed at the threshold and the same is accordingly dismissed.

(AVINASH.G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)