

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

35 CONT. PETITION NO.404 OF 2019
IN WP/339/2019

SAU LATA RAHUL CHOUDHARI & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V.S. Panpatte.
Advocate for Respondents :Mr. S.P. Sonpawale
...

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

...
Date: August 26th, 2019
...

PER COURT :-

1 By order dated 14.1.2019, the division bench of this Court directed respondent No.4, Education Officer, Zilla Parishad, Jalgaon to decide the proposal dated 11.9.2018 submitted by the petitioner, on its own merit within a stipulated period of 12 weeks from the date of order of this Court. On a grievance that, the order of this Court is not complied with, the present petition is filed.

2 On 26.5.2019, simple notice was issued to respondent No.4, making it returnable on 6.8.2019. In response, affidavit in reply is filed through one Mr. Devidas S/o Pandit Mahajan, Education Officer (Secondary), Municipal Corporation, Nashik, submitting that, as per the directions of this Court, the Education Officer has already taken a decision on the proposal. The copy of the decision dated 2.6.2019 is also placed on record along with affidavit in reply. In the affidavit in reply, it is stated that, there is delay in compliance of the order and the deponent has tendered an unconditional apology for the delay.

3 Mr. V.S. Panpatte, advocate for the petitioner submitted that, the decision was not informed to the petitioner till date and it is coming on record by way of annexure to the affidavit in reply. As such, the costs be imposed upon the respondents.

4 True it is, that there is delay in taking decision but then as stated supra, the deponent has submitted his unconditional apology for the delay and now, the decision is placed on record. As such, we are not inclined to accept the submissions of Mr. V.S. Panpatte, as we are accepting the unconditional apology tendered to this Court. We are not accepting the submission of Mr. V.S. Panpatte for imposition of costs. The order is passed by the Education Officer on 2.6.2019, whereby the proposal is turned down assigning the reasons. As the order of the Division Bench is now duly complied with, the Contempt Petition is disposed of.

5 Needless to state that, the petitioner is at liberty to challenge the order passed by the Education Officer – Secondary dated 2.6.2019 if so advised by availing the appropriate remedies under the law.

(**A. G. GHAROTE, J.)**

(**PRASANNA B. VARALE, J.)**