

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

11. CONTEMPT PETITION No. 431 OF 2016
IN WRIT PETITION No. 8983 of 2015

Suryakant Shriram Nalwad

...Petitioner

Versus

Dr. Mohan Khatal,

Joint Director of Higher Education, Nanded

...Respondent

Mr. R.A. Deshmukh, Advocate for petitioner

Mr. G.L. Deshpande, Asstt. Govt. Pleader for respondent

CORAM : PRASANNA B. VARALE,
AND
R. G. AVACHAT, JJ.

DATE : 15th July, 2019

ORAL ORDER:

1. Heard the learned Counsel for the petitioner at length.
2. By order dated 30th June 2016, notice was issued to the respondent, making the same returnable on 3rd August, 2016. The submission of the learned Counsel appearing for the petitioner is that by order dated 16th April, 2016 the Division Bench of this Court directed respondent No.2 (in the Writ Petition i.e the Joint Director of Higher Education, Nanded Region, Nanded) to hear the petitioner and respondent No.3 and to take appropriate decision expeditiously and, preferably, within eight weeks from the date of the order.

3. In response to the notice of this Court, an affidavit-in-reply is filed by respondent sole Dr. Mohan Namdeo Khatal, Joint Director of Higher Education, Nanded Region, Nanded District Nanded. It is stated in the affidavit-in-reply that in view of the directions of this Court, the respondent sole heard the parties and an order is passed by this respondent sole on 25th May, 2016. By this order, the Joint Director called upon respondent No.3 in the petition i.e. the Principal of the Science College, Nanded. By this order, the Joint Director of Higher Education was pleased to hold that the petitioner would be entitled for the Selection Grade benefits from 27th July, 1998 and he further directed respondent No.3 – the Principal of the Science College, Nanded, to submit a fresh proposal.

4. The learned Counsel for the petitioner submitted before us that subsequently, afresh proposal was submitted and on that proposal, the Joint Director took a decision. The learned Counsel also submitted that the decision so taken was the subject matter of the writ petition filed on behalf of the petitioner and the very writ petition is also disposed of.

5. Crux of the submissions of the learned Counsel for the petitioner is that the order stated in the affidavit-in-reply and annexed to the affidavit-in-reply, dated 25th May 2016, is a back-dated order and it is only to cover up the delay caused at the instance of the authority. When a specific query was put to the

learned Counsel that the order refers to the communication forwarded to the petitioner himself, the learned Counsel for the petitioner submitted that this communication is received by the petitioner at a belated stage and petitioner raised challenge to the said order by filing writ petition in this Court and the writ petition was disposed of. Now, these submissions are in the nature of allegations on the act of the authority of mischief being played by the authority. By no stretch, this Court can entertain the contempt petition on these submissions as this Court acts in the limited sphere and compass dealing with contempt petitions and to exercise powers on the submissions of the learned Counsel is beyond the scope of the contempt petition. Consequently, this Court cannot act as an adjudicator on the submission in the nature of allegations that a mischief is being played by creating back-dated order. At the cost of repetition, we state that the learned Counsel himself submitted before this Court that the order dated 25th May, 2016 passed by the respondent-authority was subject matter before this Court in a writ petition and that petition is disposed of.

6. We see no reason to entertain the Contempt Petition. Accordingly the contempt petition is disposed of.

(R. G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE.

Madkar