

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

**CONTEMPT PETITION NO.543 OF 2018
IN WP/3286/2015**

**VIJAYKUMAR AMBAJI DAVANE AND ANOTHER
VERSUS
SANDEEPKUMAR SONTAKKE AND OTHERS**

Mr.B.N.Gadegaonkar, Advocate h/f. Mr.M.V.Ghatge,
Advocate for petitioners

Mr.S.B.Pulkundwar, Advocate for respondent nos.2 and 3

**CORAM : PRASANNA B. VARALE
AND**

R.G. AVACHAT, JJ.

DATE : JUNE 06, 2019

PER COURT :-

Heard learned Counsel for the petitioner.

2. The petitioners have approached this Court by way of present Contempt Petition raising grievance of non-compliance of the order dated 29.08.2016 passed by this Court in Writ Petition No.3286 of 2015.

3. Perusal of the order dated 29.08.2016 would reveal that an order was passed by respondent/authority

on 18.02.2014, whereby approval granted to the appointments of the petitioners as Clerk and Peon, respectively, was revoked. The Division Bench of this Court considered the grievance of the petitioners about failure to observe principles of natural justice and vide order dated 29.08.2016, directed the respondents/authorities to provide an opportunity of hearing to the petitioners and to take decision on the proposal on merits. For the said exercise, no stipulated period was fixed by this Court.

4. By order dated 26.07.2018 in the present Contempt Petition, simple notice was issued to respondent no.3.

5. Mr.Pulkundwar, learned Counsel for respondent nos.2 and 3, submits that the reply, which was placed on record on 28.09.2018, was, in fact, in response to some other Contempt Petition and inadvertently, it was filed in the present Contempt Petition. He further submits that the order of this

Court, of which non-compliance is alleged in the present Contempt Petition, has already been complied with. He invites our attention to a copy of letter of the Education Officer (Primary) dated 05.12.2018, for our perusal. By the said letter, the Education Officer offered opportunity of hearing to the parties in view of the direction of this Court. It also shows that though notice was issued to the petitioners, the petitioners remained absent on the date of hearing and filed written say. Considering the respective responses from the parties, the Education Officer passed order. As the order of this Court dated 29.08.2016 passed in Writ Petition No.3286 of 2015 has been duly complied with, the grievance of the petitioners no more survives.

6. In view of the above, Contempt Petition is disposed of.

7. Needless to state that the petitioners, if they have any grievance, would be at liberty to take

appropriate steps to challenge the communication/
order dated 05.12.2018 of the Education Officer
(Primary), Zilla Parishad, before a competent forum.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

kbp