IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.602 OF 2019
IN
WRIT PETITION NO. 1693 OF 2017

Prashant Surendrakumar Shrivastava. Petitioner
Versus

The Union of India and others. Respondents

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Mr. S.G. Dodya, Advocate for the petitioner.
Mr. S.B. Deshpande, A.S.G. for respondent No.1.

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

DATE : 20 September 2019.

ORDER :

. Heard learned Counsel for the petitioner. The grievance is raised in the Contempt Petition that the order of this Court dated 05.02.2018 in Writ Petition No.1693 of 2017 is not complied with inspite of stipulation of period. The copies of the petition were submitted to the office of Union of India for the respondents, who are the office bearers of the respective Central Government Department as well one of the respondent who is the Principal of Oyster English High School and Junior College, Aurangabad. On receiving the copy, a contact was established

through the office of the Assistant Solicitor General of India with the Authority of Central Board of Study and Education (in short "CBSE") and in response a communication is received addressed to the learned Assistant Solicitor General. Mr. Deshpande, the Assistant Solicitor General placed on record the communication dated 02.08.2019. Mr. Deshpande also invited our attention to the document annexed to the communication dated 02.05.2018. This communication is addressed to respondent No.4 – Principal, Oyster English High School and Junior College through Section Officer of CBSE.

2. Mr. Deshpande, learned Assistant Solicitor General submitted that in view of the order passed by this Court dated 05.02.2018, the Principal of respondent No.4 School was immediately informed to complete the necessary compliance in respect of certain documents and requisite fees. Mr. Deshpande, learned Assistant Solicitor General submitted that as there was no positive response from respondent No.4 School, the Authorities of CBSE were unable to give effect to the order of this Court. This position clearly shows that the Authorities i.e. respondent Nos.1 to 3 had no intention to deviate from the order of this court and had immediately informed respondent No.4 seeking

necessary compliance and it was for the respondent No.4 to take steps immediately facilitating respondent No.2 CBSE to take decision as per the order of this Court. Considering this fact, the Counsel for the petitioner fairly submitted that he would appraise respondent No.4 School for immediate compliance of the communication dated 02.05.2018.

3. Mr. Deshpande, the learned Assistant Solicitor General submits that in case respondent No.4 – School forwards necessary documents alongwith requisite fees expeditiously, in turn respondent No.2 CBSE would decide the issue in respect of the date of birth as directed by this Court within four weeks from the date of receipt of documents and the requisite fees. The statement of learned Assistant Solicitor General Mr. Deshpande is accepted as an undertaking to this court.

4. In view of the above-referred facts, nothing survives in the petition. The petition is accordingly disposed of.

(AVINASH.G. GHAROTE, J.) **(PRASANNA B. VARALE, J.)**

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