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

**CONTEMPT PETITION NO.606 OF 2018
IN
WRIT PETITION NO.14577 OF 2017**

Dr. Zakir Hussain Shikshan
Prasarak Mandal, Nanded,
Through its Secretary
Khawja Begum Mohd. Saab,
Age: 61 years, Occu: Secretary
Dr. Zakir Hussain Shikshan
Prasarak Mandal, Nanded,
R/o. Workshop Colony,
Tq. and Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-32
2. Vandana Krishna,
Secretary, School Education &
Sports Department, IV floor, Mantralaya,
Mumbai-32
3. Shri. Gangadhar Mhamane,
The Director of Secondary Education,
1st Floor, Central Building,
Dr. Annie Besant Road,
Somwar Peth, Pune
4. Shri. V. K. Khandke,
The Deputy Director of Education,
Latur Division, Gandhi Chawk,
Latur
5. Shri. Ashok Devkare,
The Education Officer (Secondary),
Zilla Parishad, Nanded,
Dist. Nanded

..RESPONDENTS

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Mrs Kavita S. Bhale, Advocate for petitioner;
Mr V. S. Badakh, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 3rd January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner at length.

2. The petitioner is before this Court with a grievance that the order of this Court, dated 18th December, 2017, passed in Writ Petition No.14577 of 2017 is not complied with. As such, appropriate action be initiated against the respondents – authorities and more particularly against respondent No.5 – Education Officer (Secondary), Zilla Parishad, Nanded.

3. Our attention is invited to the order passed by this Court. On 10th January, 2018, the order is passed on a motion for speaking to the minutes. It may not be necessary to refer to this order. The order dated 18th December, 2017 would be useful for our reference so as to consider the grievance raised by the petitioner. It was submitted before this Court that a representation is submitted to the Education Officer and the same is pending before him since 16th June, 2017 and there is no decision on the said representation till date of filing of petition before this Court. The petitioner is an education institute. By an order dated 18th December, 2017, the Division Bench of this Court

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thought it fit to dispose of the writ petition with a direction to the Education Officer to decide the representation within stipulated period, if it is not already decided. The stipulation of period was of four months from the date of the order of this Court.

4. Learned Counsel for the petitioner invited our attention to the document placed on record at page 25 of the petition. It is the submission of learned Counsel that though this Court directed the Education Officer to decide the representation within a period of four months, the Education Officer took the decision belatedly i.e. on 3rd July, 2018. Perusal of this document shows that the Education Officer (Secondary), Zilla Parishad, Nanded arrived at a conclusion i.e. the decision of the Education Officer reflected in the said communication is of turning down the request for staffing sanction prayed by the petitioner - institute. Learned Counsel for the petitioner submitted that the Education Officer not only turned down the request for staffing sanction but also reduced certain posts.

5. If the communication placed on record at page No.25 is considered along with the submission of learned Counsel appearing on behalf of the petitioner, what emerges is a fact that the decision by the Education Officer. Though this decision is belated, there is decision by the Education Officer. The petitioner may have a grievance against this decision but certainly consideration of this decision would not permit us to entertain the contempt

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petition as it would extend the scope of the contempt petition.

6. As it is an admitted fact that now there is decision of the Education Officer and the petitioner - institute is not left remediless to raise a grievance against this decision by approaching the competent forum including any judicial forum, if so advised, in our opinion, the contempt petition is rendered infructuous and meritless.

7. Accordingly, we decline to entertain the contempt petition and dispose of the same. We further make it clear that if the petitioner is so advised, he can approach the appropriate forum seeking challenge to the decision of the Education Officer.

The petition is accordingly disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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