

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

CONTEMPT PETITION NO. 680 OF 2019
IN WRIT PETITION No. 9109 of 2019

Dr. Rajendra S/o Bhau Hile,
age 49 years occup. service as Associate Professor
R/o Rahuri Tal. Rahuri Dist. Ahmednagar.
at present residing at Agricultural College,
Kolhapur Taluka and dist. Kolhapur ...Petitioner

VERSUS

1. Dr. K.P. Vishwanatha,
Vice Chancellor,
Mahatma Phule Agricultural University,
Rahuri District Ahmednagar
2. Sopan S/o Ramnath Kasar,
Registrar, Mahatma Phule Agricultural University,
Rahuri Tal. Rahuri Dist. Ahmednagar. ...Respondents

*Mr. V.H. Dighe, Advocate, holding for Mr. S.S. Wagh, Advocate
for petitioner.*

CORAM : PRASANNA B. VARALE

AND

AVINASH G. GHAROTE, JJ.

DATE : 10th October, 2019

ORAL ORDER:

1. Heard the learned Counsel for the petitioner at length.

2. The petitioner is approaching this Court with a grievance for non-compliance of the Order of this Court dated 5th September 2019 in Writ Petition No. 9109 of 2019. A bare perusal of the order would show that the petitioner was permitted to submit an application to respondents No.2 & 3 i.e. learned Vice Chancellor, Mahatma Phule Krushi Vidyapith, Rahuri and the Registrar, Mahatma Phule Krushi Vidyapith, Rahuri. The Division Bench then further directed that in case such an application is submitted by the petitioner, the respondents shall consider the same and take decision within a stipulated period of seven days from the date of receipt of the application.

3. The documents placed on record show that the petitioner initially submitted an application on 11th September 2019 with a prayer of cancellation of his transfer. The petitioner was transferred to Kolhapur and request was made in the application to cancel the transfer of the petitioner and to retain him in the Agricultural University at Rahuri. As there was no response to the application, the petitioner submitted the second application on 21st September 2019. The petitioner was then informed through communication dated 30th September 2019, that now, the decision is taken by respondents No. 2 and 3. The submission of learned Counsel Mr. Dighe appearing for the petitioner is that this decision is not in

consonance with the grounds raised in the petition and the directions issued by this Court.

4. We are unable to accept the above submission of Mr. Dighe, learned Counsel for the petitioner for the simple reason that this Court permitted respondents No.2 and 3 to take a decision. It may be impression of the petitioner that this decision is not in consonance with the grounds raised in the petition. If that is so, the petitioner is not prevented to challenge the decision on whatsoever grounds he may feel appropriate. Once the authorities have taken a decision as per the directions of this Court, the order of this Court can safely be said to be complied with and assessment on merits of the decision cannot be an exercise, which we can permit ourselves to take by stretching and enhancing the scope of the contempt jurisdiction only on the impression being carried by the petitioner. This being our opinion, we see no reason to entertain the contempt petition. The contempt petition being meritless, deserves to be dismissed and the same is accordingly dismissed at this stage.

(AVINASH G. GHAROTE)
JUDGE

Madkar

(PRASANNA B. VARALE)
JUDGE