

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

CONTEMPT PETITION NO.824 OF 2019
IN
WRIT PETITION NO. 5208 OF 2018

Jay Bhavani Bahuddeshiya Mandal,
Jalgaon, through its Secretary

..Petitioner

Versus

The State of Maharashtra
through its Secretary,
Dr.Vandana Krishna,
School Education Department
Mantralaya, Mumbai and ors.

..Respondents

Mr S.P. Rathod, Advocate for petitioners
Mr S.P. Sonpawale, A.G.P. for respondent-State

**CORAM : PRASANNA B. VARALE AND
ANIL S. KILOR, JJ.**

DATE : 09.12.2019

ORAL ORDER :

1. The petition is wholly premature petition. The petitioner, by way of the present petition raises a grievance of non-compliance of the order of this Court dated 15.4.2019 passed in Writ Petition no.5208 of 2019.

2. Our attention was invited to the said order and more particularly, paragraph 5 of the said order, which reads thus :

“5. The respondents shall, as such, consider that the petitioner is eligible for grant in aid from June 2013 and shall pay the petitioner grant in aid from June, 2013 if it is paid to the other institutions (page 57 to 68) of Nashik Region.”

3. Learned Counsel for petitioner then invited our attention to the representation dated 29.4.2019. The copy of the same is placed on record as Annexure 'C'. On a specific query put to the learned Counsel for the petitioner as to is there any material placed on record to submit that the institutions which are referred to in paragraph 5 enlisted in page 57 to 68 have been granted the benefit as claimed by the petitioner, the learned Counsel for the petitioner submitted that such information is not available with the petitioner and same may be available with the respondents. As such, it was the submission of the learned Counsel to issue notice to the respondents.

4. We are unable to entertain the petition on such submissions. It is the preliminary responsibility of the petitioner to satisfy this Court when the submissions are made before this Court that the order of this Court is not complied with. The petitioner himself is not sure of the fact situation as to whether grant-in-aid from June 2013 is made available to the other institutes which were referred to in the petition. Then on such ambiguous material, we see no reason to entertain the petition. The petition thus being merit-less deserves to be dismissed at the threshold and the same is accordingly dismissed.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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