

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 92 OF 2019**

Maharashtra Public Service Commission .....Petitioner  
**Versus**  
Roini Subhash Sonwalkar & ors. ....Respondents

Mr. Nitin P. Dalvi, for the Petitioner.  
Mr. D. B. Khaire, for Respondent no.1.  
Mr. Pradeep Kumar, Secretary, MPSC, present.

**CORAM:** B. R. GAVAI &  
N. J. JAMADAR, JJ  
**DATED:** 25<sup>th</sup> January, 2019

**PC:-**

1. In pursuance to the notice issued by this Court, Mr, Pradeep Kumar, the secretary of Maharashtra Public Service Commission, has filed an Affidavit.
2. The Court has issued notice since the Court was *prima facie* of the view that the action of the Respondent amounted to disobedience of the order passed by this Court in the case of Smt. Kanchan Vishwanath Jagtap vs. Maharashtra Administrative Tribunal (Writ Petition No.1925/2014) decided on 16<sup>th</sup> December, 2015. In Affidavit-in-reply, it is stated that it appears that two conflicting views have been taken by the Division Benches. One view is in the case of *Kanchan Jagtap* (supra) and another view is taken by the Aurangabad Bench of this Court in the case of Miss.Rajani Shaileshkumar

Khobragade vs. State of Maharashtra & ors. (Writ Petition No.10103 of 2015) decided on 31<sup>st</sup> March, 2017. The learned Counsel further submits that an identical issue also arose for consideration before the Bench presided over by Shri. Borde, J, in the case of Anil Shep vs. State of Maharashtra (Writ Petition No.10396 of 2016), wherein both these conflicting views were brought to the notice of the Division Bench.

3. Taking into consideration these circumstances, we are satisfied that it cannot be said that the Respondent – MPSC has acted in a contemptuous manner. In view of the conflicting views, the action as taken, can not be said to be contemptuous in nature. In that view of the matter, Show Cause Notice is discharged.

**[N. J. JAMADAR, J.]**

**[B. R. GAVAI, J.]**