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

**CONTEMPT PETITION NO.870 OF 2018
IN
WRIT PETITION NO.5224 OF 2018**

Matoshri Pannai Sevabhavi Shikshan
Sanstha, Naiknagar, Udgir,
Through its President
Anilkumar s/o Virbhan Pawar,
Age: 48 years, Occu: Agril.,
R/o: Naiknagar, Udgir,
Tq. Udgir, Dist. Latur

..PETITIONER

VERSUS

1. Shri. J. P. Gupta,
Secretary of VJNT, OBC, SBC
Welfare Department,
Mantralaya, Mumbai - 400032
2. Sachin Ahire,
Director of VJNT,
OBC, SBC Welfare Department,
2, Church Road,
5th Floor, Pune - 411001
3. Dilipkumar Rathod,
Regional Deputy Commissioner,
Social Welfare Department,
Latur
4. B. G. Arawat,
Assistant Commissioner,
Social Welfare Department Group-A,
Zilla Parishad, Latur

..RESPONDENTS

Mr Krishna Rodge, Advocate h/f Mr P. G. Rodge, Advocate for
petitioner;
Mr S. S. Dande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

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DATE : 24th February, 2020**ORAL ORDER:**

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

2. In response to the notice issued by this Court to respondent No.1 by an order dated 3rd December, 2018, the affidavit-in-reply is filed through Shri. B. G. Arwat, Assistant Commissioner, Social Welfare Department, Latur. It may not be out of place to state here that considering the pendency of the proposal submitted to the competent authority, the Division Bench of this Court, in Writ Petition No.5224 of 2018, by an order dated 9th August, 2018, to which one of us (Prasanna B. Varale, J.) was a party, disposed of the writ petition with directions to respondent No.1 to decide the proposal as early as possible and preferably within a period of ten weeks from the date of the order of this Court, on its own merits.

3. In the affidavit-in-reply filed through Shri. B. G. Arwat, Assistant Commissioner, Social Welfare Department, Latur, it is stated that the State Government had already framed the policy under the Government Resolution dated 19th December, 2016 for transfer/handing over the closed Ashram Schools to the other desirous institutions and accordingly, as per the procedure laid down in the

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Government Resolution dated 19th December, 2016, the advertisement was published in the newspaper, calling upon the interested institutions to submit their proposals. The documents placed on record at Exh. 'R-1' show that the proposals received by the State Government were scrutinized by the Committee consisting of four members i.e. the Additional Secretary, the Joint Secretary, the Secretary and the Honourable Minister of the respective department. Then the report was submitted to the State Government and the State Government took a decision and this decision is also communicated to the petitioner.

4. In view of the aforesaid facts, we are of the clear opinion that the directions of this Court are duly complied with. Learned Counsel for the petitioner, at this stage, made an attempt to submit before this Court that the procedure of issuing an advertisement and scrutiny of the proposals was not in due compliance of the Government Resolution dated 19th December, 2016. When a pointed query was put to learned Counsel for the petitioner that when the advertisement was issued by the State Government, whether the petitioner-institution submitted its willingness through the proposal, learned Counsel for the petitioner replied to the query of this Court in affirmative.

5. In view of above, we are unable to accept the submission of learned Counsel for the petitioner for a simple reason that if the

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petitioner has some grievance about the advertisement or the procedure, it was at liberty to challenge the advertisement or the procedure, but the petitioner, on its own will and wish, permitted itself to participate in the process of scrutiny of the proposals by submitting these proposals to the State Government and on the other hand, is raising the objection to the process, which is concluded by way of the decision of the State Government. Once a party participates in the process on its own will, then turning back and raising challenge to the procedure is only an act of afterthought and this Court may not permit such exercise, that too while dealing with contempt petition. Thus, the present contempt petition is disposed of.

(R. G. AVACHAT, J.)**(PRASANNA B. VARALE, J.)**

sjk