

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 128 OF 2021
IN
WRIT PETITION NO. 2081 OF 2020

Anjuman Moinut Tulba

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Shariq Nachan, a/w. Mr.M.Momin Ahmed, i/b. Judicare Law Associates for the Petitioner.

Ms.Kavita N. Solunke, A.G.P. for the State – Respondent no.1.

Mr.Rajendra Anbhule for the Respondent No.2.

CORAM: R. D. DHANUKA AND
R.I.CHAGLA, JJ.

DATE : 9th JULY, 2021
(THROUGH VIDEO CONFERENCE)

P.C:-

The petitioner has filed this petition *inter alia* praying for action against the respondent no.1 for alleged disobedience of the order dated 18th March, 2021 passed by this Court.

2. Ms.Solunke, learned A.G.P. for the respondent no.1 states that on 23rd June, 2021, the respondent no.1 has informed the learned counsel that the LOI has been already issued in favour of the petitioner and thus nothing survives in this contempt petition.

3. Learned counsel for the petitioner however states that though by the said order dated 18th March, 2021 passed by the Division Bench of this Court, the respondent was directed to take a decision on the issue as to who would get the LOI as directed, to be complied within eight weeks from the date of the said order. The respondent no.1 however decided the said issue only in the month of June 2021. If the respondent no.1 does not comply with the other formalities so as to enable the petitioner to commence the college for the academic year in question on or before the due date, the purpose of issuance of LOI in favour of the petitioner by the respondent no.1 would be defeated.

4. A perusal of the order dated 18th March, 2021 passed by this Court clearly indicates that though the decision was to be taken by the respondent no.1 within eight weeks from the date of the said order, the respondent no.1 did not comply with the said order within the time prescribed and passed the order only in the month of June 2021.

5. The next academic year is likely to be commenced in the early August 2021. The other formalities are yet to be complied with by the respondent no.1. Though we do not propose to take any action against the respondent no.1 for non compliance of the order dated 18th March,

2021 passed by this Court in view of the respondent no.1 having complied with the said order though belatedly, to obviate any further cause of contempt against the respondent no.1, we direct the respondent no.1 to comply with all the formalities before 31st July, 2021 to enable the petitioner to commence the new academic year on the due date.

6. Contempt petition is disposed of in the aforesaid terms. No order as to costs.

[R.I.CHAGLA, J.]

[R. D. DHANUKA, J.]