

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

CONTEMPT PETITION NO.178/2018 IN WRIT PETITION NO. 2039/2014 (D)

(NAVSHAKTI EDUCATION SOCIETY & ORS **VERSUS** DINESH WAGHMARE, SECRETARY,
 SOCIAL JUSTICE & SPECIAL ASSISTANCE DEPARTMENT, MANTRALAYA, MUMBAI & ORS)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri K.V. Deshmukh, counsel for the petitioners.
 Ms S.S. Jachak, A.G.P for the R-State.

CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATED : 13TH JULY, 2021.

In terms of the order dated 06.07.2021 the respondent no.3 has filed affidavit. In paragraph 5 it has been stated by the said respondent that with a view to pay the arrears of nourishment grant in terms of the order passed in Writ Petition No.2039 of 2014 necessary steps would be taken to calculate the amount to be paid. After obtaining approval of the superior Authority and thereafter from the Finance Department the benefit of arrears would be extended to the petitioners. For said purpose, time of six months has been prayed for. Reference is also made to Government Resolution dated 24.06.2021 for indicating the financial position of the State while making the payment.

As per the order passed in Writ Petition No.2039 of 2014 on 31.10.2017 the arrears payable on account of increased nourishment grant was to be worked out within a period of six months and then released to the petitioners after verifying the necessary facts. Considering the statements made in the affidavit and in view of Government Resolution dated 24.06.2021, we are inclined to grant time of three months to the respondents to comply with the aforesaid direction. We make it clear that all necessary steps should be taken by the respondents to comply with the directions issued in Writ Petition No.2039 of 2014 in its true letter and spirit.

For reporting compliance, stand over 18.10.2021.

C.A.N. NO.89/2021.

By this application, the petitioners pray that action be taken against the respondent nos.3 and 4 as said respondents have sought to make an inquiry with regard to the Ashram Schools run by the petitioner no.1-Society.

Reference in that regard is made to an order dated 09.07.2021 which has been issued by the respondent no.4-Deputy Commissioner, Social Welfare Department, Nagpur Division, Nagpur. According to the learned counsel for the petitioner by issuing such communication the respondent nos.3 and 4 are seeking to interfere in the course of administration of justice and hence are liable for action in that regard. An apprehension is expressed that the Inquiry Committee would mention untrue facts and make a farce of the inquiry. The learned counsel seeks to place reliance on the following decisions.

1. **1962 AIR (SC) 1172** [*Pratap Singh Versus Gurbaksh Singh*]
2. **1968 AIR(SC) 1513** [*Govind Sahat Versus State of U.P.*]
3. **2000 AIR (SC) 540** [*M.M. Thomas Versus State of Kerala*]
4. **2008 AIR (SC) 1975** [*Bihar Finance Service H.C. Coop. Society Ltd. Versus Gautam Goswami & Others*]
5. **2011 AIR (SCW) 1332** [*State of Orissa & Anr. Versus Mamata Mohanty*]
6. **(2003) 3 SCC 472** [*Chief Conservator of Forests Govt. of A.P. Versus Collector & Others*]

Perused the order dated 09.07.2021 issued by the respondent no.3. As per that order, a detailed inspection of the institution run by the petitioner has been directed. We may note that even as per the order passed in Writ Petition No.2039 of 2014, the Authorities were directed to verify all necessary facts before releasing the amount of arrears. We find that by the order dated 09.07.2021, merely an inspection has been directed. There is no basis for the apprehensions as expressed in the application. In our view it does not amount to interfering in the course of administration of justice.

If the petitioners are otherwise aggrieved by the conduct of such inspection, they are free to take such steps to have their grievance redressed against the order dated 09.07.2021. The civil application is rejected.

(G.A. SANAP, J.)

(A. S. CHANDURKAR, J.)