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

CONTEMPT PETITION NO.490 OF 2022
IN WP/1735/2007

SATYASHODHAK SHIKSHAN PRASARAK MANDAL,
(THROUGH ITS PRESIDENT) SHRI DINESH NAMDEORAO
JAMDHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr R. M. Sharma, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 7th September, 2022

PER COURT:

1. The petitioner/Management has put forth prayer clauses (B) and (C), which read as under :-

“B] The show cause notices under the Contempt of Courts Act may kindly be issued to the R.1 to 4.

C] The R.1 to 4 may kindly be dealt with under the provisions of the Contempt of Courts Act, 1971 r/w. under Articles 215 of the Constitution of India and R.1 to 4 may kindly be punished for the same.”

2. The petitioner was before this Court in Writ Petition No.1735/2007. This Court (Coram : S. J. Vazifdar and P. R. Borkar, JJ.) passed the following order on 21/04/2007 :-

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“1. Rule.

2. The petitioners merely seek and order directing the respondents to consider their application for establishing the School at Chincholi on a no grant basis.

3. We do not see any prejudice being caused to the respondents by granting the said relief.

4. In the circumstances, the rule is made absolute in terms of prayer “A”. However, the decision shall be taken by 15/06/2007.”

3. It is, thus, obvious that this Court directed the State to take a decision by 15/06/2007. After a passage of 14 years, the petitioner issued a notice through an Advocate on 04/08/2021 to the Secretary of Education, the Director of Education, the Deputy Director of Education and the Education Officer (Secondary), Zilla Parishad, Hingoli, alleging non-compliance of the earlier direction of this Court, dated 21/04/2007. Thereafter, it is alleged that, the order dated 21/04/2007 has not been complied with.

4. In the legal notice issued on behalf of the petitioner, dated 04/08/2021, it is stated that, a hearing in the matter took place before the Hon’ble Minister Mrs. Faujiya Khan, Minister of Education, on 29/10/2012 in Cabin No. 6, Ground Floor,

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Mantralaya. However, even thereafter, no orders have been passed.

5. We do not find a single plausible reason set out in the pleadings in the memo of the contempt petition, as to what were the circumstances, due to which the petitioner could not approach this Court for the last 14 years. Besides the contention that a hearing took place in the office of the Hon'ble Minister on 29/12/2012, there is no explanation, as to why, thereafter, the petitioner was silent for 9 years. Moreover, the petitioner's pending proposal was for seeking permission to start a Secondary School for the academic year 2000-2001 at Chincholi, Tq. and District Hingoli. Even on this count, the said proposal can hardly be considered after a passage of 22 years.

6. In view of the above, this petition is dismissed.

7. Needless to state, if the petitioner/Institution desires to start a new Secondary School, it would be at liberty to approach the Government with a new proposal in the light of the present policies and Rules applicable.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk