

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.130 OF 2019

Deepak Jaysing Kadam

..Petitioner

V/s.

State of Maharashtra and Ors.

..Respondents

Mr. Ajinkya Udane for the Petitioner.

Mr. A. A. Kumbhakoni, Advocate General a/w. Mr. P. P. Kakade, Government Pleader and Mr. V. M. Mali, AGP for the Respondent-State.

Mr. Akhil Kupade i/b Manoj Harit & Co for Respondent No.2.

**CORAM : SUNIL B. SHUKRE AND
AMIT BORKAR, JJ.**

DATE : 23 FEBRUARY 2022.

P. C.

Heard learned counsel for the Petitioner and learned Advocate General and learned counsel for the respective parties. But the clarity on the whole issue has emerged only after we had heard Mr. A. A. Kumbhakoni, learned Advocate General who in pursuance of the directions issued by this Court held meeting between the concerned officers and the learned AGP and sorted out the things so as to place before this Court the correct factual decision which indeed he has now placed before this Court. We find from the correct position placed before this Court that Mr.

Sonawane, the Education Officer was in office at the time when order dated 18/4/2018 was passed, contempt of which has been alleged in this Petition and the time given for the compliance of the order was three months. We further find that even before the period given for compliance with the order of this Court on 18/4/2018 expired, Mr. Sonawane, then Education Officer was transferred and was relieved. Relieving order of Mr. Sonawane is w.e.f. 29/5/2018. He being relieved from the office well before the expiry of the period given for compliance by this Court, Mr. Sonawane could not be held to be at fault in any manner for not complying with the order of this Court. After all, he had got relieved from the office atleast 19 days before the expiry of the period given by this Court for compliance with its order dated 18/4/2018. In this situation, ensuring the compliance with the order of this Court fell upon the successors in the office of Mr. Sonawane. Even those successors could not be blamed entirely for the reason that they too did not have at their disposal complete period of three months for compliance, as was initially stipulated by this Court in its order dated 18/4/2018. So it is quite difficult to put blame on any of the Education Officers right from Mr. Sonawane through all the successors of Mr. Sonawane till last of the Education Officer who held office i.e. Mr. Babar. Of course, cost has been imposed upon Mr. Babar and now we have been informed by the learned Advocate General that cost of Rs.1 lakh

has been paid by him by depositing this amount on 10/2/2022 with the Registrar, Judicial-1. We direct that from out of this amount, an amount of Rs.25,000/- be paid to the Petitioner without any interest, upon the Petitioner approaching the Registry and fulfilling all the necessary formalities. Remaining amount be remitted to the account of Maharashtra State Legal Services Authority. Learned Counsel for Mr. Sonawane at this stage submits that Mr. Sonawane is personally present in the Court and withdraws all the allegations made against learned AGP which appear in his affidavit and reply dated 8/2/2022 and more particularly, those appearing in paragraph Nos.12, 13, 16, 18, 20 and 21 of the said affidavit. These allegations accordingly stand withdrawn and be ignored.

2. With what we have observed in earlier paragraphs, nothing remains in this Contempt Petition and the Contempt Petition is closed. Contemnors-Respondents are discharged. The Contempt Petition is accordingly disposed of.

(AMIT BORKAR, J.)

(SUNIL B. SHUKRE, J.)