

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

CONTEMPT PETITION NO.14/2022 IN
WRIT PETITION NO.7862/2019 (D)

Dr. Shri Vijaykumar Bhaiyaji Khandate .vs. Shri Ramesh Kashinath Aamle, President
of Kai. Vithobaji Aamle Adiwasi Shikshan Sanstha, Brahmapuri and ors.

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

Court's or Judge's orders

Mrs. Shilpa Giratkar, Advocate for petitioner.
Mr. A. M. Sudame, Advocate for respondent no.1.
Mr. S. S. Ghate, Advocate for respondent no.2.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATE : 09.11.2022

Heard Mrs. Giratkar, learned counsel for petitioner, Mr. Sudame, learned counsel for respondent no.1 and Mr.Ghate, learned counsel for respondent no.2.

2. Respondent no.2 is personally present before this Court. We appreciate his presence before the Court. We also appreciate the efforts made by respondent no.2 to sort out the whole issue pursuant to the directions issued by this Court, in its order dated 06.08.2021.

3. Learned counsel for the respondent no.2 further submits that when the directions were issued by this Court on 06.08.2021, the present respondent no.2 was not Registrar of the University and the present respondent no.2 has taken over as Registrar of the University on 22.07.2022. He further submits that immediately thereafter when the judgment dated

06.08.2021 was brought to the notice of the respondent no.2, the respondent no.2 issued notice to the concerned parties, but regrettably the petitioner turned defiant and even informed the respondent no.2 that he has been instructed by his Advocate, not to appear before the Registrar. Mr. Ghate, learned counsel for respondent no.2, has affirmed to this statement of respondent no.2 and submits that he even personally made telephone calls to the petitioner and requested him to appear before the Registrar but, the petitioner's answer was that he would not do so and he was not required to attend.

4. Mrs. Giratkar, learned counsel for the petitioner, submits that now the petitioner is ready to appear before the respondent no.2.

5. Considering the rival submissions, we find that sufficient opportunity has already been given to the petitioner to appear before the Registrar and there is also no denial from the petitioner that no such opportunity was granted to him by the Registrar and also the learned counsel for the Registrar. Personal presence of the petitioner before the Registrar was necessary because the direction issued was to the effect that Registrar of Gondweana University, Gadchiroli would look into the matter and work out the modalities, according to which and the period for and within which the order dated

16.03.2019 passed by the Grievances Redressal Committee be implemented. This direction was issued, in view of the fact that, certain portion of the claim of the petitioner had prima facie become time barred and it was not known, for which and to which amount, the bar of limitation would apply. But, the petitioner has refused to cooperate with the Registrar and, in a way, the petitioner himself has, prima facie, committed contempt of this Court.

6. We do not think that any further indulgence to such a party can be given by this Court. Therefore, we are not inclined to accept the proposal of the learned counsel for the petitioner that now the petitioner would appear before the Registrar of the University.

7. At this stage, learned counsel for the petitioner, has vociferously argued that the petitioner is a poor person and as per the directions issued by this Court in the judgment in question, the petitioner had made a representation to the then Registrar Mr. Anil Chitale, to decide upon the modalities for implementation of the order dated 16.03.2019 and that was done by the petitioner within three months from the date of the order and yet, nothing was done by the then Registrar Mr. Chitale.

8. The petitioner may have done so but we do not understand as to why the petitioner deleted the name of Mr. Anil Chitale, as party respondent, and substituted in his place the present Registrar. The present Registrar, as stated earlier, has taken every effort to work out the matter. However, the petitioner regretfully refused to cooperate with him. On the contrary, the petitioner even informed that he would not appear before him. Of course, that was the instruction given to him by his advocate. The petitioner, as claimed, may be a poor man but, we find him to be the person, who is disrespectful of the authority. The petitioner ought not to have deleted Mr. Anil Chitale as party respondent to this petition because the contempt, if it was there, had been done during his tenure. The present Registrar has tried to salvage the situation by helping the petitioner but, the petitioner has refused to obtain the help of the present Registrar.

9. In such a situation, it is the only petitioner, who has to blame himself. We find no merit in the petition. The petition stands dismissed.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)