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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10412 OF 2024
IN
WRIT PETITION NO.3877 OF 2024
(IDZES ANGMO KUNDAN PRINCIPAL SECRETARY AND OTHERS VS.
RATAN JYOTIRAM BHANDARE)

Mr.A.B.Girase, Government Pleader for the Applicant.
Mr.T.M.Venjane, Advocate for the Petitioner in Writ Petition.

(CORAM : RAVINDRA V. GHUGE AND
SHAILESH P. BRAHME, JJ.)

DATE : SEPTEMBER 26, 2024

PER COURT :

1. The Principal Secretary, School Education and Sports Department had preferred this Civil Application by setting out prayer clause 'B' as under :-

“B. That, by allowing present Civil Application, order dated 13.09.2024 passed by the Hon’ble High Court in Writ Petition No.3877 of 2024 may kindly be recalled.”

2. On 13.09.2024, we had recorded that despite our orders passed repeatedly, the Principal Secretary Mrs. I.A.Kundan was not tendering the affidavit in reply. Eventually, the learned AGP showed us

the photostat copy of the affidavit in order to convey to us about compliance of our directions. We have, therefore, observed in paragraph Nos. 2 and 3, in our order dated 13.09.2024, as under :-

“2. Today, after noting the submissions of the learned AGP, we find that the concerned Principal Secretary, School Education Department, Mrs.I. A. Kundan, seems to be casually reading the order of the Court. Paragraph No.3 of the above reproduced order is more than clear that the earlier order dated 16.04.2024, was also disobeyed. The learned AGP submits that the affidavit/explanation of Mrs.Kundan was sworn yesterday at Mumbai and it has not reached Aurangabad, today. Instead, an email copy is forwarded to him, to be shown to the Court. Such conduct is unconscionable.

3. In view of the above conduct, we are imposing costs of Rs.1,000/-, which shall be deposited in this Court, on or before 21.09.2024, by the Principal Secretary, School Education Department, Mrs. I.A.Kundan, from her salary bank account. The original copy of the affidavit/explanation shall also be filed within the said timeline.”

3. The learned Government Pleader submits that the amount has been deposited by the Principal Secretary from her salary bank account. It is requested that we should recall our order. Having heard the learned GP, in the light of our orders passed earlier, we expressed our disinclination.

4. It is then submitted that, Instead of the said amount being indicated as costs amount, a request is made to record the voluntary gesture of the Principal Secretary of having deposited the said amount. An unconditional apology is also tendered.

5. The learned Advocate for the original Petitioner submits that there is no reason to alter the order and, therefore, an appropriate order be passed.

6. In view of the above and since the order has already been complied with, we accept the request of the Principal Secretary and the amount deposited shall be deemed to be an amount towards donation to the Advocate's Association of the Bombay High Court, Bench at Aurangabad.

7. In view of the above modification, this Civil Application is disposed off.

(SHAILESH P. BRAHME, J.)

(RAVINDRA V. GHUG J.)