



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 CONT. PETITION NO. 778 OF 2019
IN WP/1569/2019

YOUNG BOYS EDUCATIONAL AND INDUSTRIAL CIRCLE DHULE
THROUGH ITS PRESIDENT

VERSUS

D G JAGTAP PUNE

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Mr. Santosh S. Jadhavar Advocate for Petitioner.

Mr. A.M. Phule, A.G.P. for Respondent – State.

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CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.

DATE : 21st OCTOBER, 2024

ORDER :

1. Heard learned Advocates appearing for the respective parties.

2. The petitioner had filed writ petition No.1569 of 2019 for writ of mandamus thereby prayed that respondents be directed to decide the proposal dated 4th January 2018 submitted by the Headmaster of the school run by the petitioner society seeking approval to the additional posts with the school run by the petitioner society. Consequential prayers were also made. This Court, on 21st February 2019, had passed following order:-

"3. It is further submitted before us that the institute is having required infrastructure facilities and there is increased strength of students as per national growth. Though the proposal of grant of approval to the appointment is submitted to respondents – authorities on 4th January, 2018, till the date of filing the petition, no decision is taken by respondents – authorities and as such, the petitioner is left with no choice and has approached this Court.

4. This being a limited grievance, the petition is disposed of at admission stage, with directions to the respondents to decide proposal dated 4th January, 2018 as expeditiously as possible and not later than ten (10) weeks from the date of order of this Court.

5. We make it clear that this Court has not expressed any opinion on merits of the proposal and we leave assessment of the merit to the respondents – authorities."

3. By way of additional affidavit, the petitioner has brought on record that the desk officer of Government by communication dated 19th July 2023 had asked the remarks of the Director of Education (Primary) on the representation made by the petitioner on 10th June 2023. He also points out a communication by the Director of Education (Primary) on 6th September 2023 to Education Officer (Primary) whereby the proposal itself is stated to have been rejected. According to the petitioner, the Director of

Education (Primary) is not the competent authority who can reject the proposal.

4. It is to be noted from the order passed by this Court, as aforesaid, taking into consideration the limited grievance the directions were issued to the respondents to decide the proposal of the petitioner dated 4th January 2018, as expeditiously as possible, within the said stipulated time. A particular respondent was not asked to take that decision. Now the decision has been taken and communicated to the petitioner, though belatedly. If the petitioner is aggrieved, then the petitioner can challenge it. But we do not consider that now any action can be taken under the Contempt of Courts Act against the respondents.

5. The Contempt Petition stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE