



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CONTEMPT PETITION NO. 967 OF 2023
IN WP/11122/2023

MAHADEVI RAMRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
EKNATH DAWALE RURAL DEVELOPMENT DEPARTMENT

...
Advocate for petitioner : Mr. Balaji S. Shinde
APP for the respondent – State : Mr. V.K. Kotecha
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 11 JANUARY 2024

PC :

Heard.

2. The learned advocate for the petitioner submits that the following order dated 06-09-2023 passed in writ petition no. 11122 of 2023 has been wilfully disobeyed :

"1. The Petitioner is a wife who has put forth prayer clause (B) as under:

*"(B) By issuing appropriate writ, order or directions in the like nature, this Hon'ble Court may please to direct the respondent no.3/the Chief Executive Officer, Z. P. Parbhani to consider and decide the claim/representations of the petitioner annexed at EXHIBIT-D dated 31.07.2023, 09.06.2023 and 03.05.2023 requesting to give posting to the Petitioner within the radius of 30 kms. from the working place of his spouse under the head of **Couple Convenience Policy.**"*

2. It is not disputed that the petitioner and her husband are presently working within the area of 36 kms. The concerned

Government Resolution requires that the couple should be working within 30 kms. Admittedly, the issue is of only 6 kms.

3. In view of the above, we permit the Petitioner to tender a representation to the Chief Executive Officer, Zilla Parishad within 7 days from today.

4. The learned Advocate representing the Zilla Parishad submits that the representation would be considered on sympathetic ground and only if it is feasible to bring the couple closure by 6 kms.

5. In view of the above, the Writ Petition is disposed off with liberty to make a representation and the Zilla Parishad may consider it, only if it is feasible."

3. There is no express direction, nor any statement made on behalf of the respondents was accepted as an undertaking to the Court. The petitioners were merely permitted to make a representation which was supposed to be considered by the Zilla Parishad. The use of word 'may' is demonstrative of the fact that there was no specific direction, breach of which could be made capital of, to demonstrate that it is a contempt.

4. Petition is disposed of.

[SHAILESH P. BRAHME]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE