

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 466 OF 2024

Dilip Vinayak Bhoir

...Petitioner

**Versus**

The State of Maharashtra and Ors.

...Respondents

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NITIN  
CHAVAN

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Mr. Narendra Bandiwadekar, Senior Advocate a/w Mr. Aniket Phapale i/b Ashwini Bandiwadekar for the Petitioner.  
Mr. S.B. Kalel, AGP for Respondent/State.

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**CORAM : NITIN JAMDAR AND  
M.M. SATHAYE, JJ.**

**DATE : 28 AUGUST 2024**

**P.C. :**

1. The Petitioner has made a grievance regarding contempt of the order of this Court dated 1 November 2023. By a reasoned order, the Division Bench after hearing the State, had directed that the approval be granted to the Petitioner within two weeks from the date of the order and consequential benefits of release of grant-in-aid be given within a period of four weeks from the date of the approval.

2. The learned AGP states that in July 2024, the Respondent-State has filed a review petition. This Contempt Petition is filed on 16 July 2024.

3. The learned Senior Advocate for the Petitioner states that order dated 1 November 2023 was a common order in two Petitions that is the present and Writ Petition No. 6014 of 2018. As against the order passed in Writ Petition No.6014 of 2018, the Contempt Petition No. 172 of 2024 was filed in which learned AGP was directed to take remedial steps by order dated on 7 March 2024 and thereafter, a notice was issued to Respondents on 20 August 2024. Perhaps that is the reason which has prompted the Respondent-Education Department to file review petition.

4. The learned Senior Advocate for the Petitioner also makes a grievance that the Review Petitions are filed by the Education Department of the State only to avoid and postpone implementation of the order which is the case in several matters. We have noted in various orders with disapproval, the tendency of the Officers of the Education Department to invoke review jurisdiction frequently and primarily as a defence in contempt proceedings when grievance of non compliance is made.

5. It is a settled position of law that the scope of review is limited. It was always open to a party to challenge the order. It is rightly pointed out that as per the Rules of this Court, the review has to be heard by the same Bench or one member thereof, as the case may be, which takes time. Therefore, we will have to take cognizance of the grievance of the Petitioner that filing of review petition by the officers of the Education Department is only for the purpose of

postponing the implementation of the order. Review jurisdiction cannot be invoked as a matter of strategy.

6. In light thereof, we direct Respondent No.1 to file an affidavit placing on record the details of the review applications filed by the Education Department in this Court and also the details of the contempt petition filed against the Education Department and the cases wherein reviews have been filed after the contempt petitions are filed in last 5 years. Reply be filed by the next date.

7. The learned AGP states that a copy of the Review Petition will be furnished to the Advocate for the Petitioner.

8. Stand over to **11 September 2024**.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)