



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 126 OF 2023

Rashtramata Jijau Sevabhavi Sanstha,
35, Gautam Nagar, Gondur Road,
Walwadi, District Dhule,
Through its President Sanjay Bhavan Bhamre
Age. 48 years, Occu. Agriculture,
R/o. 35, Gautam Nagar, Walwadi Dhule,
District Dhule.

...Petitioner

VERSUS

1. Mr. Ranjeetsinh Deol,
Age. 52 years, Occu. Service as
Addl. Chief Secretary, School Education
and Sports Department, Mantralaya, Mumbai.
2. Mr. Mahesh Palkar,
Age. 54 years, Occu. Service as
Director of Education (Primary),
Maharashtra State, Pune.

...Respondents

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Mr. V.D. Sapkal Senior Advocate i/b. N.L. Choudhari, Advocate for the
Petitioner
Mr. Birendra Saraf, Advocate General a/w. Mr. A.B. Girase GP for State

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WITH
CONTEMPT PETITION NO. 530 OF 2019
IN WP/2468/2018

Rashtramata Jijau Sevabhavi Sanstha,
Rami, Tq. Sindhkhed, district Dhule,
Through its President
Shri Sanjay Bhavan Bhamre,
Age. 48 years, Occ. Social Worker,
R/o. 38, Gautamnagar, Walwadi,
District Nandurbar.

...Petitioner

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 32.
2. Shri. Sunil Chavan,
The Director of Education (Primary),
Maharashtra State, Pune.
3. Shri. Asim Kumar Gupta
Secretary Rural Development,
Mantralaya, Mumbai – 32.
4. Shri. Dattatray Govind Jagtap
The Director of Education (Primary),
Maharashtra State, Pune.

...Respondents

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Mr. V.D. Sapkal Senior Advocate i/b. N.L. Choudhari, Advocate for the
Petitioner

Mr. Birendra Saraf, Advocate General a/w. Mr. A.B. Girase GP for State

...

**WITH
CONTEMPT PETITION NO. 533 OF 2019
IN WP/3390/2018**

Dr. Babasaheb R. Ambedkar Seva Bhavi Sanstha Dhule
Through its Vice-President
Shri. Pravin Bhavan Bhamre,
Age. 25 years, Occu. Social Worker,
R/o. Gautamnagar, Walwadi,
District Nandurbar.

...Petitioner

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 32.
2. Shri. Sunil Chavan,
The Director of Education (Primary),
Maharashtra State, Pune.

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Secretary Rural Development,
Mantralaya, Mumbai – 32.

4. Shri. Dattatray Govind Jagtap
The Director of Education (Primary),
Maharashtra State, Pune.

...Respondents

...

Mr. V.D. Sapkal Senior Advocate i/b. N.L. Choudhari, Advocate for the
Petitioner

Mr. Birendra Saraf, Advocate General a/w. Mr. A.B. Girase GP for State

...

**WITH
CONTEMPT PETITION NO. 539 OF 2019
IN WP/2434/2018**

Dr. Babasaheb R. Ambedkar Seva Bhavi Sanstha Dhule
Through its Vice-President
Shri. Pravin Bhavan Bhamre,
Age. 25 years, Occu. Social Worker,
R/o. Gautamnagar, Walwadi,
District Nandurbar.

...Petitioner

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 32.

2. Shri. Sunil Chavan,
The Director of Education (Primary),
Maharashtra State, Pune.

3. Shri. Asim Kumar Gupta
Secretary Rural Development,
Mantralaya, Mumbai – 32.

4. Shri. Dattatray Govind Jagtap
The Director of Education (Primary),
Maharashtra State, Pune.

...Respondents

...

Mr. V.D. Sapkal Senior Advocate i/b. N.L. Choudhari, Advocate for the Petitioner

Mr. Birendra Saraf, Advocate General a/w. Mr. A.B. Girase GP for State

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**CORAM : NITIN B. SURYAWANSHI &
MANJUSHA DESHPANDE, JJ.**

Reserved on : 28th APRIL 2025

Pronounced on : 08th May, 2025

Judgment [*Per : Manjusha Deshpande, J.*] :-

1. A common grievance is raised in these Contempt Petitions that, though orders have been passed by this Court on 11.03.2019 and 25.08.2022 in the respective writ petitions directing the Director of Education (Primary) to proceed to take decision in respect of absorption of the petitioners in any other Zilla Parishad Schools, as contemplated in government resolution dated 15.09.2010, and though by order dated 28.08.2022, the Director of Education (Primary) was directed to take decision and in the light of report dated 29.11.2021 submitted by Deputy Director of Education, Nasik, no steps are taken in furtherance of these orders, therefore, respondents have committed contempt of the orders passed by this Court.

2. The common grievance of the petitioners in the respective writ petitions, was that they were eligible and qualified to be appointed as special teachers in the handicap units which were sanctioned to the private schools under the scheme introduced by the Central Government i.e. the Central Handicap Integrated Scheme. The

petitioners were appointed and they have discharged their duties in the respective schools. All of a sudden, the government has closed down the scheme, under which the petitioners were working.

4. A policy decision was also taken to accommodate the special teachers appointed under the scheme. Accordingly, a government resolution has been issued on 15.09.2010. However, the petitioners were not absorbed as per the policy decision taken by the government vide Government Resolution dated 15.09.2010. Common order came to be passed in Writ Petition No. 4944/2022 with Writ Petition No. 4945/2022 and Writ Petition No. 4946/2022, directing the Director of Education (Primary), to proceed to take action in the light of enquiry report, and further directing to complete the exercise preferably within a period of six weeks. Since there was no compliance of the order, the petitioners in Contempt Petition No. 126/2023 have approached this Court alleging that the respondent /State authorities have flouted the orders of this Court.

5. While passing the order in Writ Petition No. 4944/2022 with connected Writ Petitions this Court has referred to the earlier order dated 11.03.2019, passed in Writ Petition No. 2434/2018 and other connected Writ Petitions, wherein this Court has directed the Director of Education (Primary), to conduct an enquiry with regard; to the genuineness of the documents placed by the petitioners on record, to

verify whether the Director of Education has actually granted the approval to the units where the petitioners were appointed. It was further directed that upon conclusion of enquiry the Director should take further steps depending upon the outcome of verification.

6. Learned Senior Advocate Mr. Sapkal, appearing for the petitioners has made following submissions :

i. The petitioners had approached this Court by filing Writ Petition No. 4944/2022 and connected Writ Petitions seeking direction to the respondent to absorb the petitioners in any other schools run by Zilla Parishad in view of report dated 29.10.2021 submitted by the outward clerk; in light of the government resolution dated 15.09.2010 as well as the orders passed by this Court in Writ Petition No. 10393/2007 and other connected group of Writ Petitions.

ii. This Court vide judgment and order dated 25.10.2022 had directed the Director of Education (Primary) to proceed to take action in the light of the enquiry report. The above exercise was to be completed within a period of six weeks.

iii. In view of the above order dated 25.08.2022, the petitioners filed representation to take necessary steps in furtherance of the orders passed by this Court.

iv. In view of the representation made, the Director of Education (Primary) informed the petitioners/ Management to submit written statement

before November 2022, so as to enable him to submit a report to government in the light of report submitted by the Deputy Director of Education, Nasik, dated 29.11.2021.

v. The petitioners have submitted their say on 15.11.2022, the Director of Education (Primary), prepared his report and submitted to respondent no. 1 / Principal Secretary for necessary action on 09.01.2023. Though the report is submitted by the Director of Education (Primary) on 09.01.2023, respondent no. 1 has not taken any decision on the said report, thereby, committed contempt of the orders passed by this Court.

vi. Relying on paragraph no. 5.3 of the report dated 09.01.2023, it is contended that in fact the Director of Education has forwarded his report to respondent no. 1 with positive recommendations. However, contrary to his own findings recorded in the fact finding report, dated 09.01.2023 submitted to the government, respondent no. 2 has taken decision on 04.09.2023, holding that prayer of petitioners in Writ Petition No. 4944/2022, 4945/2022 and 4946/2022 for their absorption cannot be considered and the request was accordingly rejected.

vii. The conflicting stand taken by respondent no. 2 in his report dated 09.01.2023 and decision taken on 04.09.2023 cannot be reconciled. The stand of respondent no. 2 in both the communications is contrary to each other.

viii. When the petitioners have pointed out the conflicting stand taken by respondent no. 2, this Court vide order dated 11.10.2023 had directed the respondent authority to act upon report dated 29.11.2021 submitted by the Joint Director of Education, Nasik, to Project Director Maharashtra Prathmik Shikshan Parishad.

ix. In order to deny the legal and valid claim of the petitioners, though there is a positive report from the Deputy Director of Education Nasik Division, Nasik, dated 29.11.2023, the Director of Education (Primary) has taken a stand contrary to the said report. It is observed by Director of Education (Primary) that on verification of documents of the petitioners regarding their individual approvals and unit sanction orders, it was found that original documents as well as their entries in inward outward registers were not available. Therefore, it was held that the petitioners have committed fraud and forgery in order to obtain the order of absorption.

x. It is contended by the learned Senior Advocate Shri. Sapkal, that the ground on which the claim of the petitioners have been rejected is totally baseless for the reason that the petitioners had produced the copies in respect of unit sanction as well as individual approval obtained from the information Officer of the Zilla Parishad, Nandurbar and Dhule as well as Deputy Director of Education, Nasik. The petitioner have also attached those documents along with the rejoinder filed by them. It is urged that merely with a view to frustrate

the orders passed by this Court and deny the legitimate claim of the petitioners such a stand is taken by the respondents/authorities.

xi. In fact during the pendency of the contempt petition, this Court vide order dated 03.10.2023 had directed respondent no. 2 to remain present before this Court with entire record and the enquiry report. The Court itself has verified the documents on 10.10.2023, and thereafter, discharged the presence of respondent no. 2. On this background, the order dated 11.10.2023 was passed directing the concerned authorities to act upon report dated 29.11.2021.

xii. It is contended that the respondents/authorities are bent upon to disregard the orders passed by this Court which can be gathered from the fact that though this Court has passed an order on 11.10.2023, directing to act upon the enquiry report dated 29.11.2021, yet respondent no. 1 has passed an order on 23.11.2023, rejecting the claim of the petitioners holding that the enquiry report dated 29.11.2021 is not proper and reliable, since it is prepared without verifying the original record. This conduct of the respondent is nothing short of contempt and disrespectful to the orders of this Court. Hence, respondent nos. 1 and 2 are liable to be punished under the provisions of contempt of Courts act.

xiii. Learned Senior Advocate submitted that it is unfortunate that though this Court has directed the respondents twice to implement the enquiry report dated

29.11.2021, yet the respondents without complying with the order have audacity to pass an order which is contrary to the report submitted by the Deputy Director of Education.

xiv. Shri. Sapkal, learned Senior Advocate has drawn our attention to the averments made by the petitioners in the affidavit-in-reply to the rejoinder filed by respondent no. 1. In the reply affidavit, it is stated that for considering eligibility for the absorption of the teachers, the government has constituted a committee headed by Director of Education (Primary) - Shri Dattatraya Jagtap on 11.02.2021, while constituting the said Committee specific reference was made to the orders passed by this Court in Writ Petition Nos. 10393/2017, 10417/2017, 11889/2017, 2434/2018. The Committee was directed to submit report after verification of the documents of the petitioners within seven days. Since the Special Committee constituted failed to act upon the directions issued by the government, the committee was disbanded and directions were issued to the Director of Maharashtra Primary Education Council, Mumbai, to conduct the enquiry of the petitioners' claims.

xv. Pursuant to the appointment of the aforementioned authority, the Director of Maharashtra Primary Education Council further directed the Deputy Director of Education, Nasik, to conduct enquiry and verification of documents of the petitioners referred to in the order and submit his report to the office. Accordingly, the Deputy Director of Education has verified and

submitted a detailed report on 29.11.2021 to the Director of Maharashtra Primary Education Council, Mumbai, with a copy to Director of Education (Primary) and Principal Secretary Mumbai.

xvi. In spite of receiving the report from the Deputy Director dated 29.11.2021, respondent nos. 1 and 2 sat tight over the issue and did not take any steps to implement the directions given by this Court in Writ Petition No. 10393/2017 and connected matters.

xvii. In view of lethargy on the part of the authorities to act upon the report the petitioners in Writ Petition No. 4944/2022, 4945/2022 and 4946/2022 were constrained to file writ petition seeking implementation of the enquiry report dated 29.11.2021. On this background, this Court has passed an order on 25.08.2022. Though respondent no. 2 is aware about the facts and circumstances of the case merely on account of the pressure of respondent no. 1, respondent no. 2 is filing affidavits contrary to each other, under the pressure of respondent no. 1 which is nothing short of wilful disobedience of the order passed by this Court.

xviii. By filing false affidavits, respondent no. 2 is misguiding this Court. The scope of powers under contempt jurisdiction is limited. The Court can merely examine whether there is deliberate and wilful disobedience of the order of the directions/orders issued by the Court.

xix. It is the duty of an officer or individual to

comply the orders passed by this Court in its letter and spirit. The person suppose to comply with the order cannot travel beyond the judgment and order passed by the Court. In support of his contentions, the learned Senior Advocate places reliance upon the orders passed by the Hon'ble Supreme Court in the case of *V. Senthur and another Versus M. Vijayakumar, IAS, and another*, in Contempt Petition (Civil) No. 638/2017 in Civil Appeal No. 4954/2016. The petitioner is more particularly relying on the part of the observation which reads thus :

“There can be no quarrel with the proposition that, in a contempt jurisdiction, the court will not travel beyond the original judgment and directions, neither would it be permissible for the court to issue any supplementary or incidental directions, which are not to be found in the original judgment and order. The court is only concerned with the wilful or deliberate non-compliance of the directions issued in the original judgment and order.”

Hence, according to the petitioners, respondent no. 2 was suppose to pass orders in the light of report dated 29.11.2021, which he has failed to comply.

xx. The so called orders passed by respondent no. 2 dated 04.09.20223 and 23.11.2023 are not in consonance with the directions issued by this Court.

Hence, there is a wilful and deliberate contempt of the orders passed by this Court, which needs to be dealt with by this Court appropriately in order to uphold the majesty of justice.

7. Per contra, the learned Advocate General Mr. Birendra Saraf appearing virtually for the respondent / State along with learned Government Pleader Mr. Amarjeetsingh Girase, has opposed the contempt petition. According to the learned Advocate General, there is no substance in allegations made by the contempt petitioners. Though belatedly, the order passed by this Court on 25.08.2022, has been complied with, by respondent no. 2 vide order dated 04.09.2023, which is placed on record along with the compliance affidavit. A detailed order has been passed by the Director of Education (Primary) giving in details of the steps taken by the concerned authority, pursuant to the orders passed by this Court. Though the order passed by this Court was complied by taking a decision in terms of order dated 04.09.2023, the petitioners have disputed the order by raising objection to the verification of record. It is contended that though it is held in the order dated 04.09.2023, that the original record is not available with the office of Education Department of the respective Zilla Parishads as well as Deputy Director of Education, Nasik Division, Nasik, however, they have obtained those documents under the Rights to Information Act.

8. In view of the dispute about the record raised by the petitioners this Court had passed an order on 11.10.2023. This Court on 11.10.2023 has directed to act upon the report dated 29.11.2021 submitted by the Deputy Director of Education, Nasik Region, addressed to the Project Director and Joint Director, Maharashtra State Primary Education Council. As a result of the orders passed by this Court, respondent no. 1 has passed an order on 23.11.2023, thereby holding that the report dated 29.11.2021 has been prepared without verifying the original record.

The sum and substance of the decision is that, after calling the report from Director of Education (Primary), along with accompanying documents, as well as report dated 29.11.2021, it is found that the record regarding proposal for starting special units and appointment for special teachers/attendants forwarded from the office of Deputy Director to Director, as well as sanction orders of such unit were not found in the office of Education Officer; Deputy Director as well as the Director of Education. The inward outward register also did not reflect upon such any order or communication being forwarded to the office of Director of Education (Primary).

9. According to the learned Advocate General, even the order passed by this Court on 11.10.2023, has been complied with in its letter and spirit. Respondent no. 1 who is the highest authority in the

State in the Education Department, has taken decision as directed by this Court, based on report 29.10.2021. Since the original record was not scrutinized by the Deputy Director, Nasik, while preparing the report dated 29.11.2021, and the original record was not made available, claims of the petitioners have been rejected.

10. Learned Advocate General has relied on the affidavit filed by the State Government on 19.04.2025, in order to demonstrate the steps taken by the state government pursuant to the orders passed by this Court from time to time. Though there were number of affidavits filed by the State prior to the affidavit dated 19.04.2025, a fresh affidavit has been filed by the state reproducing the date wise steps taken by the state authorities, after the orders passed by this Court on 25.08.2022, with reference to order passed by this Court on 11.03.2019 in Writ Petition No. 2468/2019 and connected writ petitions. The steps taken by the state authorities are produced in a tabular form with relevant documents annexed to the affidavit :

I. The Deputy Secretary, State of Maharashtra has informed the Director of Education (Primary) on 11.02.2021 about formation of 5 members committee to be headed by the Director of Education to scrutinize the documents of the petitioners in Writ Petition Nos. 10393//2017, 10417/2017, 1189/2017, 2434/2018, 2468/2019 and 3390/2019, the Committee was suppose to scrutinize the original record and submit a report within seven days.

II. The Joint Director of Education informed the Director of Education (Primary), that the Committee which was formed to scrutinize the documents have failed to submit the report within seven days, hence the committee has been disbanded.

III. It is further informed that the Director of Education (Primary) was instructed to verify the sanction orders and individual approvals issued from his office and submit the report about such orders after verifying its genuineness from the original records, if necessary by taking assistance of the Project Director Maharashtra Shikshan Parishad. Similarly, the work of verifying the genuineness of the orders, eligibility of the teachers, unit sanction orders, etc. in respect of the petitioners in six writ petitions was given to the State Project Director, Maharashtra Prathmic Shikshan Parishad. The Committee constituted under the State Project Director was directed to submit the report after verification of the record to the State Government.

IV. Accordingly, the State Project Director and Coordinator, Maharashtra State Primary Education Council, Mumbai, has directed the Deputy Director of Education Nasik, vide communication dated 05.10.2021 to verify the record of the special teachers and attendants appointed under the scheme. It was directed that the knowledgeable and responsible officers from the office of Director of Education should remain present along with the relevant record of the petitioners along with inward and outward registers on 11.10.2021.

V. Pursuant to the communication received from the State Project Director and Coordinator, the Deputy Director of Education has submitted his report on 29.11.2021. In the report, it is submitted that from the reports received from the Education Officers and the record available in the office of Deputy Director, Nashik, the documents in respect of individual approval of the petitioner as well as unit approval is available. Since powers to absorb the petitioners is a matter of policy decision, such powers are to be exercised by the State Government. Therefore, appropriate action should be taken by State Government. The information of the petitioners along with their unit approval, date of appointment and individual approval has been provided in tabular form. After submission of the report dated 29.11.2021, this Court has passed orders in Writ Petition No. 4944/2022, 4945/2022 and 4966/2022 vide order dated 25.08.2022 directing the Director of Education (Primary) to proceed to take action in the light of enquiry report dated 29.11.2021 within a period of six weeks.

VI. Pursuant to the order dated 25.08.2022, respondent no. 1/State directed the Director of Education (Primary) to submit a final report / recommendation to the State Government in order to enable the State Government to take decision about absorption of the petitioners. On receiving the communication from respondent no. 1, respondent no.2 has informed the Deputy Director of Education, Nasik Division, Nasik, to make the necessary information available for which a meeting was convened on 16.11.2022.

VII. Similar communication was issued to the petitioners on 09.11.2022, calling upon them to submit their written statements in order to enable the Director of Education (Primary) to submit his report to the State Government. Certain shortcomings and deficiencies about the documents were communicated by the Deputy Director of Education (Primary), informing that record in respect of unit approval orders during the period 05.01.2009 to 15.01.2009, is not found in the inward register. Photocopy of the said register is made available. The outward entries in the register regarding unit sanction order and individual approval at outward no. 550 and 1388 in respect of 387 teachers in the form of photocopies is made available. The certified copy from the original of the report dated 29.11.2021 submitted by the Deputy Director of Education, Nasik, is made available by the Deputy Director. Based on the information received from the Deputy Director, the petitioners and other official sources the fact finding report is submitted by the Director of Education (Primary) on 09.01.2023.

VIII. The Director of Education submitted the report observing that hearing was held on multiple occasions and the report submitted by Deputy Director, Nasik, is based on fake and bogus documents. Details of the fake documents are mentioned in the report.

IX. In response to the various communications received from the government, the Director of Education (Primary) submitted his report on 20.04.2023, informing about the reasons for his refusal to rely on the report submitted by Deputy Director of Education, Nasik, dated

29.11.2021.

X. After receiving the report from the Director of Education (Primary), respondent no. 1 directed the respondent no. 2 vide communication dated 31.07.2023, to take decision pursuant to the orders passed by this Court on 25.08.2022 in respect of special teachers, after giving them an opportunity of hearing and verifying their documents.

XI. After receipt of communication from respondent no. 1 dated 31.07.2023, respondent no. 2 - Director of Education has granted full opportunity of hearing the petitioners and after examining the record that was made available by the petitioner as well as the respective authorities a decision was taken on 04.09.2023 and it was communicated to the petitioners.

XII. Learned Advocate General submits that, from the aforementioned steps taken by the State Government pursuant to the order passed by this Court, it is evident that the State authorities have taken steps for verification of the documents of the petitioners and after comparing it with the record available in the office of Director as well as Deputy Director of Education, Nasik, it was transpired that claim of the petitioners is bogus and not genuine. Though it is claimed by the petitioners that they have the copies of documents under the Right to Information Act, those are not genuine, the respective information officers were called upon to explain about the same, who have informed that, the documents were not issued from their office.

XIV. So far as the claim of the petitioners that the report dated 29.11.2021, was a final enquiry report which was expected to be acted upon, as per the orders of this Court is concerned, upon going through the report, it would reveal that it was not at all a final enquiry report but it was prepared in response to the information that was called upon from the Deputy Director of Education, Nasik, for completing the procedure of verification of claims of the petitioners. Therefore, though this Court has directed to take a decision in the light of the said report dated 29.11.2021, upon verifying the documents placed along with the said report, it is revealed that the documents were not genuine and the report was not prepared after verifying the original documents.

XV. The report merely states the record in respect of individual approval and unit approval is available with the respective Education Officers.

XVI. It is further submitted that after reading the order of which contempt is alleged, it is clear that, it is expected by this Court that the Director of Education being the higher and responsible authority of state government, was to conduct a detail enquiry and thereafter, act on the same. The report submitted by the Deputy Director of Education on 29.09.2021, relied upon by the petitioner was in fact the information provided from his office. Learned Advocate General, therefore, submits that the State Authority have not committed any contempt of the orders passed by this Court. Though there is a delay in compliance of the order passed by this Court, yet fact remains that as directed by this Court the

Director of Education (Primary) has already taken a decision after taking into consideration the report dated 29.11.2021, hence, the prayer made in contempt petition does not deserve consideration.

XVII. The petitioners have raised various disputed question of facts by filing affidavits from time to time, which cannot be a subject matter of contempt petition. The petitioners propose to dispute the decision taken by the Director of Education (Primary) the respondent no. 2, the remedy lies elsewhere. The petitioners cannot raise challenge to the decision taken by respondent no. 2 in contempt jurisdiction. The petitioners will have invoked appropriate provisions of law and challenge the same. Hence, the prayer of petitioners does not deserve consideration.

11. After hearing respective parties in detail, it appears the contempt petition nos. 530/2019, 533/2019, 539/2019 have been clubbed along with the present Contempt Petition no. 126/2023. Contempt Petition Nos. 530/2019, 533/2019 and 539/2019, arises out of a common order passed by this Court in all the writ petitions on 11.03.2019, which reads thus :

“1. Mr. Sapkal, learned Advocate for the petitioners submits that the petitioners in all these writ petitions are appointed as Teachers for the Units sanctioned and approved by the Government to teach handicapped students. All these petitioners are appointed prior to 1st March,2009 and approval to their appointment is also granted by

the Director of Education, (Primary), Pune.

2. Learned counsel relies on the Government Resolution dated 15th September, 2010 to submit that those units which have been closed down, the teachers working there in and given approval prior to 1st March, 2009 are to be absorbed in regular schools. The special units are closed down and the handicapped students are now to be imparted education in regular schools.

3. Mr. Patil, learned Addl.G.P. submits that the documents placed by the petitioners on record regarding their approval and subsequent letters showing names of the petitioners being recommended by the Consultant are manipulated documents. The orders dated 21.01.2009 and 23.02.2009 relied by the petitioners are not issued by respondent No.3. On 23.02.2009 there being holiday on account of Mahashivratri, not a single letter was issued by respondent no.3 on that day. Respondent No.2 Director of Education (Primary) has approved the list of 341 special Teachers and Attendants for absorption under letter dated 02.11.2012. The names of the petitioners were not included in the said list.

4. We have considered the submissions.

5. The affidavit in reply, on behalf of the respondents, is filed by the Incharge Science Consultant, in the office of the Deputy Director of

Education, Nashik Region. The relevant consideration would be the date of appointment of the petitioners in a particular unit and about approvals granted to their appointment. According to the petitioners, approval is granted by the Director of Education and the letters showing approval granted by the Director of Education are filed alongwith writ petitions. The stand of the respondent is contrary, saying that no such letters exist and that all the documents placed by the petitioners are manipulated one. The Director of Education (Primary) has not filed any affidavit in the present matter.

6. Considering the ground raised by the respondents, it will be appropriate for the Director of Education (Primary) Pune to conduct an enquiry with regard to the genuineness of the documents placed by the petitioner on record. The Director of Education is a Higher and responsible officer. The Director of Education (Primary) shall consider his record so also the documents that may be produced by the petitioners before him and shall take decision about the genuineness of the documents placed by the petitioners and as to whether the Director of Education had really granted approvals to the Units as contended by the petitioners and so also approved the names of the teachers working therein, as it is submitted that all these orders and approvals are prior to 1st March, 2009.

7. Depending upon the decision that would be taken by the Director of Education (Primary) after conducting enquiry regarding genuineness of the documents placed before it, the parties make take further steps accordingly.

8. Needless to state, if the Director of Education (Primary) arises at the conclusion that the documents produced by the petitioners are genuine and that office of the Director of Education has granted approval to the Units and the petitioners, then the Director of Education and the authorities may take further steps as contemplated in the Government Resolution dated 15th September, 2010.

9. If the Director of Education (Primary) records conclusion that the documents produced by the petitioners are not genuine one, then the Director of Education (Primary) is also entitled to take further steps against the erring persons.

10. Writ petitions are accordingly disposed of. No costs.

11. The Director of Education (Primary), if it is possible, may conduct enquiry and conclude his finding expeditiously, preferably within three months.”

(As verbatim)

12. A prayer was made by the petitioners to absorb them in

service in view of government resolution dated 15.09.2010, by issuing appropriate directions. When the matter was heard on 11.03.2019, it was observed by this Court that, though it was claimed by the petitioners that their appointment order as well as unit sanction order are approved by the Director of Education (Primary). The claim of the petitioner was opposed by the government. It was stated that the documents regarding individual and unit approval orders and subsequent communications recommending their names are manipulated.

13. Hence, in view of the conflicting claims of the petitioners and the State Authorities, this Court thought it fit to direct the Director of Education (Primary), who was the highest and responsible authority of the State Government, to conduct enquiry about the genuineness of the documents of the petitioners based on record and take decision about their absorption.

14. In the above mentioned three contempt petitions the reply affidavit has been filed by respondent no. 2 and upon going through the same, it transpires that the enquiry as contemplated by the orders of this Court has been conducted by the Director of Education (Primary), after granting opportunity of hearing to the concerned parties, the Director of Education (Primary) has rejected claim of the petitioners vide order dated 02.12.2020, 29.12.2020 and 01.01.2021,

which are placed on record. Pursuant to the order passed by this Court the Director of Education (Primary) has conducted the detail hearing and upon going through the record, he has come to the conclusion that the claim of the petitioners does not appear to be genuine. Accordingly, the order passed by this Court on 11.03.2019, has been complied by the respondent authorities by passing these orders.

15. Admittedly, there is a delay in complying the order since the Director of Education (Primary) was expected to conduct and conclude the enquiry within three months from the order dated 11.03.2019 and the order has been passed much beyond the period prescribed which was directed by this Court. However, the explanation for delay in in taking decision has been given which appears to be genuine.

16. According to the Director of Education, there were a large number of candidates, requiring verification of documents, which consumed considerable time. We are satisfied with the justification of delay, given by the Director of Education (Primary). Therefore, in view of the compliance of order passed by this Court on 11.03.2019, nothing remains to be adjudicated in the contempt petition nos. 530/2019, 533/2019, 539/2019.

17. So far as contempt petition no. 126/2023 is concerned, the order passed by this Court in Writ Petition Nos. 4944/2022, 4945/2022, 4966/2022, is the subject matter of the contempt petition,

which reads thus :

“1. All these Petitioners are identically placed.

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned Counsel representing the respective Zilla Parishads and the learned Chief Government Pleader on behalf of Respondent Nos.1 to 7, in all these matters.

3. On 02.08.2022, we had passed the following order:-

“1. The petitioners have put forth prayer Clause 'B' as under :-

(B) By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to absorb the petitioners in any other School run by Zilla Parishad, Jalgaon i.e respondent No.8 in view of the report dated 29th November, 2021 submitted by Out Ward Clerk and in view of Government Resolution dated 15th September, 2010 as well as orders passed by this Hon'ble Court in Writ Petition No.10393 of 2017, 10417 of 2017, 11889 of 2017, 2434 of 2018, 2468 of 2018, 3390 of 2018.

2. Issue notice to the respondents, returnable on 23/08/2022. The learned Government Pleader waives service of notice on behalf of respondent Nos.1 to 7. The learned Advocate Mr. M. S. Sonwane waives service of notice on behalf of respondent No.8 in WP No.4944 of 2022. The learned Advocate Mr. N. N. Desale waives service of notice on behalf of respondent No.8 in WP No.4945 of 2022. The learned Advocate

Ms. Vaishali S. Choudhari waives service of notice on behalf of respondent No.8 in WP No.4946 of 2022.”

4. The learned Advocate for the Petitioners has drawn our attention to the order dated 11.03.2019, passed by this Court in Writ Petition No. 2434 of 2018, filed by Dr. Babasaheb R. Ambedkar Seva Bhavi Sanstha, Dhule and others Vs. The State of Maharashtra and others and connected matters. More specifically, our attention is drawn to Paragraph Nos.6 to 11, which read as under:-

“6. Considering the ground raised by the respondents, it will be appropriate for the Director of Education (Primary) Pune to conduct an enquiry with regard to the genuineness of the documents placed by the petitioner on record. The Director of Education is a Higher and responsible officer. The Director of Education (Primary) shall consider his record so also the documents that may be produced by the petitioners before him and shall take decision about the genuineness of the documents placed by the petitioners and as to whether the Director of Education had really granted approvals to the Units as contended by the petitioners and so also approved the names of the teachers working therein, as it is submitted that all these orders and approvals are prior to 1st March, 2009.

7. Depending upon the decision that would be taken by the Director of Education (Primary) after conducting enquiry regarding genuineness of the documents

placed before it, the parties make take further steps accordingly.

8. Needless to state, if the Director of Education (Primary) arises at the conclusion that the documents produced by the petitioners are genuine and that office of the Director of Education has granted approval to the Units and the petitioners, then the Director of Education and the authorities may take further steps as contemplated in the Government Resolution dated 15th September,2010.

9. If the Director of Education (Primary) records conclusion that the documents produced by the petitioners are not genuine one, then the Director of Education (Primary) is also entitled to take further steps against the erring persons.

10. Writ petitions are accordingly disposed of. No costs.

11. The Director of Education (Primary), if it is possible, may conduct enquiry and conclude his finding expeditiously, preferably within three months.”

5. The communication by the Deputy Director of Education, Nashik Division addressed to the Joint Director / Respondent No.3 herein, is pointed out. It is obvious that the enquiry and the verification exercise has been completed.

6. The learned Government Pleader submits that if this

Court grants a particular time frame, further steps would be taken as contemplated under the Government Resolution dated 15.09.2010, as set out in Paragraph Nos.7 and 8 of the order of this Court dated 11.03.2019, reproduced above. The action pursuant to the said enquiry would be initiated.

7. The learned Advocate for the Petitioners submits that the Petitioners would be satisfied if this Court grants a time frame for the Respondents / State Authorities to initiate steps in pursuance to the enquiry reports, within a particular time frame.

8. In view of the above, these Petitions are disposed off.

9. The Director of Education (Primary) would proceed to take action, which shall be initiated within three (03) weeks in the light of the enquiry reports and the same shall be completed expeditiously and preferably, within six (06) weeks thereafter.”

18. From the above order, it is evident that the order passed in Writ Petition Nos. 4944/2022 and connected writ petitions, are based on the order passed by this Court in Writ Petition No. 2434/2018 dated 11.03.2019, along with connected writ petitions, wherein directions are given by this Court to the Director of Education (Primary) to conduct the enquiry regarding genuineness of documents placed before it and thereafter, take further steps after coming to the conclusion about the genuineness of the documents.

19. In furtherance of the order dated 11.03.2019, passed by this Court, when the information was called, from the Deputy Director of Education, Nasik, regarding the petitioners claims a report was submitted on 29.11.2021. Since it was claimed by the petitioners that no further steps were taken by the Director of Education (Primary), in furtherance of report submitted by the Deputy Director, the writ petitions came to be filed with a prayer to take the decision on the basis of the report that is submitted by the Deputy Director of Education, Nasik, for the absorption of special teachers in view of government resolution dated 15.09.2010.

20. Considering that already steps were being taken for taking a decision about the genuineness of claim of petitioners pursuant to which the information was made available to the government, this Court had directed the Director of Education (Primary), to proceed to take action in the light of the enquiry report dated 29.11.2021.

21. Upon perusal of the enquiry report which is relied upon by the petitioners the first thing that strikes is that it is addressed to the Project Director Maharashtra Primary Education Council, Mumbai. It is stated in the report that the Deputy Director of Education, Nasik was already in receipt of the respective reports in respect of the petitioners from the Education Officer (Primary). The information in respect of petitioners from the Nasik region was made available by the Education Officer (Primary) viz. Zilla Parishad, Dhule and Jalgaon. According to the

inspection report, the information about the petitioners was available with the respective Education Officers. The documents were attached to the report submitted by the Deputy Director to Education.

22. When the Director of Education (Primary) conducted personal hearing calling upon the respective parties to produce the original documents. During the hearing the following findings are recorded by the Director of Education :

(i) As per the report submitted by the Education Officer (Primary), Zilla Parishad, Nandurbar, vide outward no. 609/2023 dated 01.09.2023, the entries in respect of unit approval of 23 special teachers could not be found in the inward register dated 04.09.2008 to 21.09.2008 and outward register dated 30.07.2008 to 05.09.2008.

(ii) A report is submitted by the respective Headmaster of the school, to the Education Officer (Primary) that none of the units were started and the teachers were not working in the said schools.

(iii) Similar report is submitted by the Education Officer (Primary), Zilla Parishad, Dhule, informing that the record in respect of inward outward register has been misplaced and the complaint to that effect has been registered in the Police Station on 01.09.2023, through the e-mail.

(iv) It is stated that the respective head of the schools where the petitioners claim to be appointed have submitted the report that none of the teachers have been appointed or have

ever worked in the said schools.

(v) In the report which was called upon from the Deputy Director, Nashik, is concerned, it is stated that no proposals are forwarded in respect of the special teachers to the Director of Education, neither a proposal for starting any handicap unit, nor any recommendation of such proposal, is made with reference to communication dated 05.01.2009, where by the handicap unit is claimed to be sanctioned by the Director of Education (Primary), no such communication has ever received by the office of the Deputy Director, Nashik, the inward Register is produced in support of the same.

(vii) Referring to the approval letter dated 09.01.2009 with outward no. 550, and communication dated 22.01.2009 with outward no. 1388 in respect of 387 special teachers, it is stated that the Deputy Director of Education Nashik has never received any such proposals either from Education Officer (Primary) or Management of the schools, wherein the petitioners claimed to be appointed.

(viii) The original documents in respect of which photocopies have placed on record is not available with any of the authorities, hence, it is not worth placing reliance.

(ix) As regards the record which was available with the Deputy Director of Education (Primary), it is observed that the upon verification of the inward register the unit approval orders, the proposals for grant of unit approval, which are referred in the unit approval orders is not available in the office of Director of Education (Primary) for the period of 05.01.2009

to 15.01.2009.

In view of the aforementioned findings recorded, the above decision is taken by the Director of Education (Primary), vide order dated 04.09.2023, holding that unit approval and individual approval orders do not appear to be genuine.

So far as the report dated 29.11.2021, of the Deputy Director, Nashik, is concerned it is held that the report is prepared from the photocopies, without verification of the original record. Therefore, it cannot be relied upon. As a result, the prayer of the petitioners, for absorption has been rejected.

23. Though this order was communicated to the petitioners, the petitioners have disputed decision of the Director of Education on the ground that it is not based on the report dated 29.11.2021 as directed by this Court and the petitioners have filed an affidavit with the documents of unit approval as well as individual approval obtained under Right to Information Act. In view of the affidavit of the petitioners, this Court had directed the State Government to take decision in view of the report dated 29.11.2021. Order dated 11.10.2023, reads thus :

“The learned counsel for the petitioner seeks direction to the respondent/authorities to act upon the report dated 29.11.2021 submitted by the Joint Director of Education, Nashik to the Project Director, Maharashtra Prathamik Shikshan Parishad.

2. *The concerned authorities are expected to act upon the report dated 29.11.2021.*

3. *Stand over to 30th November, 2023.”*

24. Pursuant to the above order dated 11.10.2023, the respondent no. 1, called reports from Education Officer, Zilla Parishad, Dhule, and Nandurbar, along with report of Deputy Director of Education dated 29.11.2021, and decision taken by Director of Education dated 04.09.2023. After scrutinizing report as well as the record, the respondent no. 1 has passed an order on 23.11.2023 holding that no record is available in respect of the special teachers in Nandurbar District. Neither original record in respect of individual approval and unit approval is available with the the Education Department.

25. The record of Dhule District is also not available for which the police complaint is registered. It is observed that the report submitted by the Deputy Director of Education, Nasik, on 29.11.2021 is submitted without verifying the original record, hence, it is not worth consideration. In view of the unavailability of original record, of the copies supplied along with the report dated 29.11.2021, the respondent no. 1 has held that the report is prepared without verification of the original record. As a result, the prayer of the petitioners for absorption has been rejected vide order dated 23.11.2023 by respondent no. 1.

27. In view of decision taken by respondent no. 2 dated 04.09.2023, as directed by this Court vide order dated 25.08.2022, in the light of enquiry report dated 29.11.2021, we do not find that there is any contempt of the order passed by this Court. In fact during the pendency of the contempt proceedings even the orders passed by this Court on 11.10.2023 have also been complied by respondent no. 1 by passing an order on 23.11.2023.

28. It is claimed by the petitioners that the respondents have committed the wilful and deliberate contempt of the orders passed by this Court. Civil contempt is defined under Section 2 (b) of the Contempt of Court Act, which reads thus :

"2 (b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court ;"

The definition of Civil contempt itself makes it clear that there has to be deliberate and wilful disobedience of the judgment, decree, direction or order of the Court for bringing an action under the contempt proceedings. Unless the disobedience is wilful and deliberate, cognizance of contempt cannot be taken. There has to be an intention to disobey the orders of the Court. Contempt of Court involves action to undermine the Courts authority and dignity.

29. It would be apposite to refer the observations made by the Hon'ble Supreme Court in case of *Rama Narang Versus Ramesh Narang and others*, reported in **AIR 2021 SC 721**, more precisely in paragraph nos. 73 to 75 which reads thus :

"73. Apart from that, for bringing an action for civil contempt, the Petitioner has to satisfy the court that there has been a wilful disobedience of any judgment, decree, direction, order, writ or other process of the Court. It will be relevant to refer to paragraph (9) of the judgment of this Court in Niaz Mohammad and Ors. v. State of Haryana and Ors. MANU/SC/0063/1995 : (1994) 6 SCC 332:

9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Act') defines "civil contempt" to mean "wilful disobedience to any judgment, decree, direction, order, writ or other process of a court ...". Where the contempt consists in failure to comply with or carry out an order of a court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the court for initiating proceeding for contempt against the alleged contemner, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under Code of Civil Procedure. The party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether

the alleged contemner should be punished for not having complied with and carried out the direction of the court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the Act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court. Before a contemner is punished for non-compliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such disobedience was wilful and intentional. The civil court while executing a decree against the judgment-debtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the court to initiate the proceeding for contempt for disobedience of its order, before any such contemner is held guilty and punished, the court has to record a finding that such disobedience was wilful and intentional. If from the circumstances of a particular case, brought to the notice of the court, the court is satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for

the contemner to comply with the order, the court may not punish the alleged contemner.

It can thus be seen, that this Court has held, that the contempt proceeding is not like an execution proceeding under the Code of Civil Procedure. It has been held, that though the parties in whose favour, an order has been passed, is entitled to the benefits of such order, but the Court while considering the issue as to whether the alleged contemnor should be punished for not having complied with and carried out the directions of the Court, has to take into consideration all facts and circumstances of a particular case. It has been held, that is why the framers of the Act while defining civil contempt, have said that it must be wilful disobedience of any judgment, decree, direction, order, writ or other process of the Court. It has been held, that before punishing the contemnor for non-compliance of the decision of the Court, the Court must not only be satisfied about the disobedience of any judgment, decree, direction, writ or other process but should also be satisfied that such disobedience was wilful and intentional. Though, the civil court while executing a decree against the judgment-debtor is not concerned and bothered as to whether the disobedience to any judgment or decree was wilful and once the decree had been passed, it was the duty of the court to execute the decree, whatever may be the consequences thereof. In a contempt proceeding before a contemnor is held guilty and punished, the Court has to record a finding, that such disobedience was wilful and intentional. It has

been held, that if from the circumstances of a particular case, though the Court is satisfied that there has been a disobedience but such disobedience is the result of some compelling circumstances, under which it is not possible for the contemnor to comply with the same, the Court may not punish the alleged contemnor.

74. It will also be apposite to refer to the following observations of this Court in Kanwar Singh Saini v. High Court of Delhi MANU/SC/1111/2011 : (2012) 4 SCC 307, taking a similar view:

30. In an appropriate case where exceptional circumstances exist, the court may also resort to the provisions applicable in case of civil contempt, in case of violation /breach of undertaking/judgment/order or decree. However, before passing any final order on such application, the court must satisfy itself that there is violation of such judgment, decree, direction or order and such disobedience is wilful and intentional. Though in a case of execution of a decree, the executing court may not be bothered whether the disobedience of the decree is wilful or not and the court is bound to execute a decree whatever may be the consequence thereof. In a contempt proceeding, the alleged contemnor may satisfy the court that disobedience has been under some compelling circumstances, and in that situation, no punishment can be awarded to him. [See Niaz Mohammad v. State of Haryana [MANU/SC/0063/1995 : (1994) 6 SCC 332], Bank of Baroda v. Sadruddin Hasan Daya [

MANU/SC/1031/2003 : (2004) 1 SCC 360 : AIR 2004 SC 942] and Rama Narang v. Ramesh Narang [MANU/SC/1960/2006 : (2006) 11 SCC 114 : AIR 2006 SC 1883].] Thus, for violation of a judgment or decree provisions of the criminal contempt are not attracted.

75. It will also be appropriate to refer to the further observations made by this Court in para (38) of the said judgment:

38. The contempt proceedings being quasi-criminal in nature, the standard of proof required is in the same manner as in other criminal cases. The alleged contemnor is entitled to the protection of all safeguards/rights which are provided in the criminal jurisprudence, including the benefit of doubt. There must be a clear-cut case of obstruction of administration of justice by a party intentionally to bring the matter within the ambit of the said provision. The case should not rest only on surmises and conjectures. In Debabrata Bandhopadhyaya v. State of W.B. [MANU/SC/0366/1968 : AIR 1969 SC 189 : 1969 Cri LJ 401], this Court observed as under: (AIR p. 193, para 9)

9. A question whether there is contempt of court or not is a serious one. The court is both the accuser as well as the judge of the accusation. It behoves the court to act with as great circumspection as possible making all allowances for errors of judgment and difficulties arising from inveterate

practices in courts and tribunals. It is only when a clear case of contumacious conduct not explainable otherwise, arises that the contemnor must be punished. ... Punishment under the law of contempt is called for when the lapse is deliberate and in disregard of one's duty and in defiance of authority. To take action in an unclear case is to make the law of contempt do duty for other measures and is not to be encouraged.

(emphasis added)

This Court has observed, that the contempt proceedings are quasi-criminal in nature and the standard of proof required is in the same manner as in the other criminal cases. The alleged contemnor is entitled to the protection of all safeguards/rights which are provided in the criminal jurisprudence, including the benefit of doubt. There must be a clear-cut case of obstruction of administration of justice by a party intentionally, to bring the matter within the ambit of the said provision. The Court has also referred to the observations made by this Court in the case of Debabrata Bandopadhyay and Ors. v. State of West Bengal and Anr. MANU/SC/0366/1968 : AIR 1969 SC 189, wherein it was observed, that punishment under the law of contempt is called for when the lapse is deliberate and in disregard of one's duty and in defiance of authority.”

30. In view of the aforementioned legal position that emerges from the decisions of the Hon'ble Supreme Court is that before the contemnor is held guilty and punished, the Court has to record a finding

that such disobedience is wilful and deliberate. In the present case as has been observed herein above, the state authorities have taken steps in furtherance of compliance of order and also complied the orders passed by this Court. Therefore, in our opinion, there is no deliberate and wilful disobedience of the orders passed by this Court.

31. As can be seen from the order dated 25.08.2022, this Court had directed to the Director of Education (Primary) to take a decision in the light of the report submitted by the Deputy Direction of Education dated 29.11.2021. This Court has not expressed that the report is binding on the Director of Education. Since this Court itself has passed order on 11.03.2019, directing the Director of Education to take decision after verification of documents. While taking decision as directed, it transpired that the documents are not genuine. The respondent no. 2 has taken appropriate decision as directed by this Court on 25.08.2022.

32. During the course of hearing, learned Advocate General has brought to our notice about the observations made against the Deputy Director of Education, Nasik, about his report dated 29.11.2022, which was prepared without verifying the original records. Thereafter, we have called upon the State to file an affidavit about the steps taken against the erring officer, by the State Government. In response thereto the respondent nos. 1 and 2 have filed an affidavit demonstrating the steps

taken against the then Deputy Director of Education, Nasik, namely Shri. Nitin Upasne. A proposal was moved seeking permission to initiate departmental enquiry against the delinquent officer and the proposal was forwarded on 24.07.2023. Further exchange of communication between the state authorities is also placed on record. It is further assured that departmental enquiry will be completed as per the procedure prescribed in the Maharashtra Civil Services (Discipline and Appeal) Rules, after receipt of necessary permission from the general administration department.

33. In view of the decision dated 04.09.2023, taken by the Director of Education (Primary) as directed by this Court in the light of enquiry report dated 29.11.2021, we do not find that there is any contempt of the orders passed by this Court. Though the petitioners have disputed the decision taken by respondent nos. 1 and 2, about genuineness of documents produced by the petitioners, and unavailability of the record with the concerned office, the disputed question cannot be gone into by this Court in its contempt jurisdiction. If at all the petitioners want to dispute findings given about the genuineness of the documents and challenge the decisions dated 04.09.2023 and 29.11.2023, they have remedy of filing appropriate proceedings. We do not find any substance in the contempt petitions.

34. In view of the compliance of the order passed by this Court, all contempt petitions stands dismissed.

(MANJUSHA DESHPANDE, J.)

(NITIN B. SURYAWANSHI, J.)

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