

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

944 CONT. PETITION NO. 768 OF 2024
IN WP/6670/2024

Vanmala Shankarrao Bodhane and Another

....Petitioners

Versus

Savita Birge

.....Respondent

.....

Shri. Shambhuraje V Deshmukh, Advocate for the Petitioners

Shri. S. B. Pulkundwar, Advocate for the Respondent

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : FEBRUARY 14, 2025

PER COURT :-

. This Contempt Petition is filed for non compliance of the order dated 05.07.2024 passed in Writ Petition No.6670 of 2024 which reads as under :-

"1. The Petitioner No.1 claims to be the legally wedded wife. Petitioner No.2 is the biological son of Petitioner No.1 and Respondent No.4. The Petitioner has a finding of the learned Jt. J.M.F.C., Kandhar in Misc. Criminal Case No.99/1989, decided on 30.09.1992, which indicates that Respondent No.4 has clearly admitted that Petitioner No.1 is his legally wedded wife. There is no divorce petition pending. Respondent No.4 would be superannuating on 31.07.2024. The Petitioner No.1 prays that her representation to the Education Officer dated 24.11.2023, be considered in the light of the judgment delivered in Misc. Criminal Case No.99/1989.

2. The learned advocate for the Zilla Parishad submits that the said representation would be dealt with expeditiously.

3. Since the Respondent No.4 would be superannuating on 31.07.2024, we direct Respondent No.3 to deal with the said representation by following the due procedure laid down in law and pass an order, on or before 25.07.2024, in the light of Rule 9 (16) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

4. If the Petitioner No.1 is aggrieved by the order of Respondent No.3, she would be at liberty to avail of a remedy as is permissible in law.”

2. It is submitted by learned Advocate for Respondent that the order is complied with. He tenders across the bar copy of a communication dated 10.10.2024 in that regard. The same is taken on record and marked 'X' for the purpose of identification.

3. Learned Advocate for the Petitioner disputes the correctness of the said order. He submits that the Petitioner would challenge the said order before the appropriate forum.

4. In view of the above, nothing survives in the Contempt Petition for further consideration and the same stands disposed of.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP