

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 624 OF 2024
IN
WRIT PETITION NO. 2923 OF 2022

Nilima Prabhudas Padvi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Mandar Bagkar, Advocate for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Ms. P.M. Joshi Deshpande, AGP
for the Respondent – State.

Mr. Mahesh Jagannath Chothe, Deputy Director of Education,
Kolhapur, Present.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 17th FEBRUARY, 2025

SUNNY
ANKUSHRAO
THOTE

Digitally signed
by SUNNY
ANKUSHRAO
THOTE
Date:
2025.02.24
10:47:54 +0530

P.C. :-

1. On 5th February, 2025, we had passed the following
order :-

“1. On 29th November, 2024, we had issued notice in the format prescribed under the Contempt of Courts Act, 1971. The returnable date was 18th December, 2024. On 18th December, 2024, due to paucity of time, the matter was not called out. The notice on Respondent No.5, was not served on 14th December, 2025.

2. *The learned AGP submits that Respondent No.5 was present in the Court on 18th December, 2024. Today he is not present in the Court because he is in a training programme and submits that he would appear after his training, on 17th February, 2025 at 2:30 p.m. However, she submits that the order at issue has already been complied with and an unconditional apology affidavit has also been tendered at Page Nos.66 to 72*

3. *Notwithstanding the apology tendered, we find that the contents of the affidavit under Paragraph No.4, are in fact a lame excuse trying to camouflage his delay of more than two years in obeying the order of this Court, by contending that in a matter pertaining to the applicability of TET, the Hon'ble Supreme Court had granted status quo. The order of this Court dated 15th March, 2022, was on the specific facts of this case, wherein the Petitioner's approval was intact and Shalarth-ID was just a formality to ensure the payment of salary through the Shalarth Portal. Prima facie, we find that the said Deputy Director of Education, Mr. Mahesh Jagannath Chothe, has tried to mislead the Court.*

4. *We record the statement of the learned AGP that Mr. Mahesh Chothe will remain present in the Court, on 17th February, 2025 at 2:30.*

5. *List this Petition on 17th February, 2025 at 2:30. "*

2. The learned AGP submits that Mr. Mahesh Jagannath Chothe, Deputy Director of Education, Kolhapur, is present in the Court hall. An affidavit dated 13th December, 2024 is tendered at Page Nos.66 onwards. An unconditional apology has been tendered in Paragraph No.2.

3. We find that the Officer present before us has answered many Contempt of Court matters. On each occasion, he tenders an unconditional apology and the Court pardons him. On this occasion, the learned Advocate for the Petitioner submits on instructions that the said Officer has obeyed the order of this Court dated 15th March, 2022 after three years. However, the Petitioner desires to pardon him and is not interested in an action under the Contempt of Courts Act, 1971.

4. The Petitioner has filed this Contempt Petition. It is settled law that in contempt proceedings, it is between the Court and the Contemnor and once this Court concludes that the Contemnor is guilty, the next step is to award punishment and while doing so, the conduct of the Contemnor is to be taken into account. This Court has considered the law applicable in such matters in Contempt Petition No.577 of 2024, dated 6th August, 2024 (*Swarajsingh Shivpalsingh Parihar V/s. Dilip Dattatray Walse Patil (Minister Of Co-Op. Dept Mantralaya Mumbai, Through Its Secretary)*).

5. Since the Petitioner is before us and the learned AGP submits that the Contemnor is tendering an unconditional apology

with an assurance that no further occasion would arise for this Court to deal with a complaint of disobedience of the order of any Court, at his hands, that we are giving a '*quietus*' to this matter.

6. In the light of the above, this **Contempt Petition** is **purged**.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)