



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3145 OF 2012

Raut (Mrs.) Sadhana Nitin .. Petitioner  
vs.  
Maharashtra Education Society & Ors. .. Respondents

Mr. Subhash Langote i/b. Mr. V. A. Madane for Petitioner.  
Ms Anjali Helekar i/b. Mr. Neel for Respondent Nos. 1 and 2.  
Mr. A. R. Metkari – AGP for Respondent No. 3.

**CORAM : M. S. SONAK, J.**  
**DATE : 18 DECEMBER 2014**

**P.C. :-**

1] Notwithstanding the orders dated 26 September 2014, 31 October 2014 and 4 December 2014, respondent no. 3 – Education Officer has neither complied with the directions for submission of report, nor has the Education Officer bothered to remain present before this Court to explain the circumstances in which he has been unable to comply with the directions issued by this Court.

2] On the last occasion in deference to the earnest plea of Mr. Kango, the learned AGP, an opportunity was granted to respondent no. 3 – Education Officer to comply with the orders of this Court. Today, Mr. A. R. Metkari, the learned AGP, who appears for respondent no. 3 – Education Officer places on record the correspondence addressed to respondent no. 3 – Education Officer by fax along with copies of orders made by this Court and submits that till date the Education Officer has not submitted any report or bothered to remain present in this Court.



3] At least *prima facie*, there appears to be dereliction in the compliance with the orders made by this Court. Therefore, issue notice to respondent no. 3 – Education Officer, as to why action under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India be not initiated against him. This notice is to be made returnable on 15 January 2015. Mr. Metkari – the learned AGP appearing for respondent no. 3 undertakes to communicate this order to respondent no. 3 – Education Officer, at the earliest.

4] It is made clear that the issuance of this notice, does not in any way excuse respondent no. 3 – Education Officer from complying with the previous orders made by this Court. In fact respondent no. 3 – Education Officer is expected to comply with the same on or before 15 January 2015, so that the compliances may be taken into consideration as and by way of mitigating circumstance.

5] Apart from issuance of notice as aforesaid, a copy of this order may be communicated by Mr. Metkari – the learned AGP appearing for respondent no. 3 – Education Officer to the Secretary (Education), State of Maharashtra, so that the appropriate enquiry is ordered into the matter, and if necessary, adverse entries are made in the confidential rolls of the Officer, who is at least *prima facie* responsible for not complying with the repeated directions issued by this Court.

6] Stand over to 15 January 2015.

**(M. S. SONAK, J.)**