

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

**CONTEMPT PETITION NO. 424 OF 2012
IN
WRIT PETITION NO. 4514 OF 2011**

Rajendra Balasaheb Thorat .. Petitioner

Versus

Bhausahab Rambhau Khatode and others.. Respondents

Shri Santosh S. Jadhavar, Advocate for the Petitioner.

Shri A. B. Gatne, Advocate for the Respondent No. 1.

Shri S. K. Shinde, Advocate for the Respondent No. 2.

Shri G. K. Thigle, Addl.G.P. for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 19TH JUNE, 2015.

PER COURT :

. Mr. Jadhavar, the learned counsel for the petitioner states that, this Court vide order dated 07.05.2012 had observed that, the affidavit is filed by the management wherein it was stated that, at present there is no vacancy for accommodating the petitioner on compassionate ground. As and when post of B. Sc. B. Ed. will be available, the case of the petitioner would be considered for appointment on compassionate ground. The learned counsel states that, one Sampat G. Kasar has expired on 03.04.2012 and that post has become vacant and that vacancy is

still available there. However, the petitioner is not being considered for the said post. According to the learned counsel, the respondent/management has not adhered to its own undertaking given to this Court.

2. Mr. Gatne, the learned counsel for the management submits that, said Mr. S. G. Kasar was working on clock hour basis and was also teaching science subject and was working as Head Master.

3. Mr. Shinde, the learned counsel for the respondent No. 2 adopts the arguments of Mr. Gatne. The learned Additional Government pleader states that, the Education Officer has filed an affidavit and approved the appointments of Shikshan Sevak subject to the decision of Writ Petition No. 4514 of 2011. The name of the petitioner is kept in the list of candidates to be appointed on compassionate ground.

4. We have considered the submissions canvassed by the learned counsel for respective parties. Whether said Mr. S. G. Kasar was working on full time basis or not and whether the post was available for a candidate holding qualification of B. Sc. B. Ed. is a question to be decided in a substantive writ petition. The Court had directed to consider the representation of the petitioner and take decision on the same. All this gamut of the dispute cannot be considered in contempt petition. The

petitioner is at liberty to take up appropriate proceedings for ventilating his grievance about vacancy being available with the respondent/management. With these observations contempt petition stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 15