

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 560 OF 2014
IN
WRIT PETITION NO.1667 OF 2011

Sunil S. Khot

.. Petitioner

VS.

Kalika Prasadik Shikshan Prasarak
Mandal and ors.

.. Respondents

Mr. S.R. Ganbavale a/w. Shrikant Yadav for the Petitioner.
Mr. A.I. Patel, AGP for Respondent Nos.2 and 3.

CORAM : M. S. SONAK, J.
DATE : 27 JANUARY, 2015.

P.C. :-

1] This Court in its order dated 10 August 2011
observed/directed as follows:

“6 In these circumstances, instead of this going into rival contentions and deciding the factual matters, interest of justice would be served if the impugned order is set aside and the management’s proposal dated 2-8-2010 is considered afresh by the Education officer (secondary) Zilla Parishad Sindhudurg. He shall decide this matter as expeditiously as possible and within a period of 8 weeks from today. He shall give opportunity to the representatives of the management, the Petitioner Teacher and the affected teachers including Mr. Whetore. However, since the said Mr. Whetore had filed a Civil Suit and that is pending, it will not be necessary for the Education Officer to render any final decision in so far as issues involved in the suit, are concerned. He must consider the management’s proposal in accordance with applicable rules and pass a fresh order without being influenced by any of the observations made earlier”.

In purported compliance of the observations/directions as aforesaid, the Education Officer (Secondary Zilla Parishad Sindhudurg) has made an order on 16 July 2012, virtually declining to decide any of the issues raised by the petitioner, on the ground that Civil Suit filed by Mr. Vetrekar is pending and aforesaid directions/observations of this Court do not require the Education Officer to render any final decision in the matter.

2] Learned counsel for the petitioner contends that there is contempt, because the directions made by this Court in its order dated 10 August 2011 have not been complied with, both in letter and spirit. On the contrary, learned AGP appearing for contemnors submits that there is no contempt, inasmuch as the management's proposal dated 2 August 2010 is considered afresh within a time limit prescribed by this Court.

3] Looking to the order dated 16 July 2012, it is possible that the contemnor has misinterpreted the scope and import of the order made by this Court on 10 August 2011. Accordingly, there is no reason to proceed against the contemnor under the Contempt of Court Act, 1971.

4] Notwithstanding aforesaid, it is clear that this Court in its order dated 10 August 2011 had merely observed that it will not be necessary for the Education Officer to render any final decision in so far as the issues involved in the Suit filed by Mr. Veturkar are concerned. This does not mean and cannot be implied to mean that there was no further obligation upon the Education Officer to consider the proposal of the management, in accordance with both the letter and spirit of the order dated 10 August 2011. Ultimately, the Education Officer has to appreciate that this is a matter in which salaries of the employees have not been released for considerable length of time. The Education Officer, is ofcourse entitled to decide the matter in accordance with law. However, the Education Officer cannot shirk from his duty by adopting an easy path and stating that since the Civil Suit is pending, there is no obligation upon him to decide any of the issues raised by the management. Accordingly, although this Court is not inclined to proceed against the contemnors under the Contempt of Courts Act, 1971, the Education Officer is once again directed to decide the management's proposal dated 2 August 2010 expeditiously and in accordance with law in light of the observations and directions contained in the order dated 10 August 2011 and such decision shall be taken by the Education Officer, within a period of six weeks from today. For this purpose,

concerned parties to appear before the Education Officer on 3 February 2015 at 11.. a.m.

5] With the aforesaid observations, this petition is disposed of.
No order as to costs.

(M. S. SONAK, J.)

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