

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.22 OF 2014
IN
WRIT PETITION NO.1840 OF 2009

Seema P. Kanse Petitioner

Vs.

Sharadashram Vidyamandir & Ors. Respondents/
Contemnors

Mr. Y.V. Divekar alongwith Ms. Ashwini Pawar, Advocate for the
Petitioner.

Mr. Vijay Thorat, Senior Counsel alongwith Ms. Musle, Advocate
fort the respondent

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 30th October, 2015

P.C. :

1 Respondent no.1 is a public trust, which runs
different schools including Shardashram Vidyamandir (English
Medium) High School. The petitioner was working as a
“Supervisor” in the school. Respondent no.2 is the Honourary
Secretary of respondent no.1 and respondent no.3 it's
Chairman. Respondents no.4 and 5 are the Honourary Joint

Secretaries and respondent no.6 is the convenor of the Enquiry Committee, which held disciplinary enquiry against the petitioner. By this Contempt Petition, the petitioner alleges violation by the respondents of the order dtd. 4th September, 2009 passed by this Court in Writ Petition No.1840 of 2009. The two prayers in the contempt petition read as follows:

“(a) That the respondents and other office bearers of respondent no.1 be committed to civil prison for contempt of this Hon'ble Court for committing breach of and violating orders of Status-quo (Exhibit “B” and “B-1”) passed in the Writ Petition No.1840 of 2009 by this Hon'ble Court by terminating the services of the Petitioner.

(b) The respondents be directed to disclose on affidavit the names, addresses and designations of the other office bearers of respondent no.1.”

2 Bare reading of the prayers is sufficient to hold that the contempt petition for such prayers cannot be maintained. The action for committal of contempt sought by the petitioner is not just against the respondents but also against “other office bearers of respondent no.1” which renders the prayer clause vague. Next the petitioner could not have in very petition sought, by prayer clause (b), information about the other office

bearers of respondent no.1 for committing them for contempt. The prayer for committal of contempt is vague for one more reason. The contempt proceedings being quasi-criminal proceedings, it was necessary for the petitioner to state complete particulars of the alleged act of contempt in the prayer clause of the contempt petition. The petitioner does not describe the manner in which the orders are violated by the respondents. On this ground alone, the petition is liable to be dismissed.

3 Writ Petition No.1840 of 2009 filed by respondent no.1 herein is against the State of Maharashtra, Deputy Director of Education, Education Inspector and the petitioner herein, challenges the letter-cum-order of Deputy Director of Education directing respondent no.1 to appoint the petitioner as the Headmistress of Shardashram Vidyamandir (English Medium) High School. At the relevant time, the petitioner was working there as a "Supervisor" with the School and Mr. K.R. Shirsath was working as the Headmaster. By the order dtd. 4th September, 2009, the parties were directed to maintain status-quo, which order was continued on 25th September, 2009. While the petition was pending, departmental enquiry was initiated against the petitioner for various acts of misconduct and after completion of the departmental enquiry, the report of the Enquiry Committee was accepted by the management and services of the petitioner came to be terminated. The petitioner contends that the decision to terminate her services could not

have taken by respondent no.1 in view of the interim order. According to her, it was necessary for respondent no.1 to approach this court for modification of the order or for setting the same aside before taking any action against her.

4 Mr. Thorat, the learned Senior Counsel appearing for the petitioner submits that the interim order of status-quo, was limited to the subject matter of the petition i.e. appointment of the petitioner as “Headmistress” in the school. It had no relevance whatsoever to the termination of services of the petitioner. Mr. Thorat is right in his submission. The order of status-quo only meant that during the pendency of the petition, respondent no.1 could not have appointed any other person as the Headmaster of the school and it had nothing to do with the service of the petitioner. Therefore, on merit also, there is no substance in the petition. The same is dismissed.

(Smt. R.P. SondurBaldota, J.)