

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Contempt Petition No.36 of 2015

In

Writ Petition No.5816 of 2005 (D)

(Shri Vivek Madhukarrao Dharmadhikari v. Shri Chitaman Wanjari,
Education Officer (Secondary), Zilla Parishad, Yavatmal, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri P.P. Thakare, Advocate, holding for Shri Anand Parchure,
Advocate for Petitioner.

Shri Apurv De, Advocate for Respondent Nos.2 and 3.

Coram : R.K. Deshpande, J.

Dated : 30th March, 2015

This contempt petition complains about disobedience of the judgment and order dated 30-9-2014 passed by this Court in Writ Petition No.5816 of 2005. Para 15 of the said judgment and order, which is relevant, is reproduced below :

“15. Hence, for the reasons aforesaid, the order dated 2-9-2005 passed by the Education Officer is set aside. The respondent Nos.3 & 4 are directed to re-fix the seniority of the petitioner and the respondent No.5 in terms of what has been observed herein above ignoring the undertaking dated 15-9-1992. The said exercise be completed within a period of six weeks from today.”

In view of the aforesaid direction given by this Court, the respondent Nos.3 and 4, viz. the Head Master and the Society, were directed to re-fix the seniority of the petitioner and the

respondent No.5 therein in terms of what has been observed by this Court, and ignoring the undertaking dated 15-9-1992, said to have been furnished by the petitioner. It is not in dispute that there is any direction issued by this Court in the said writ petition to grant consequential benefits arising out of such re-fixation of the seniority. The petitioner is satisfied with re-fixation of his seniority by the respondent Nos.3 and 4. He further submits that he is entitled to consequential benefits arising out of it. If it is so, it is always open for the petitioner to file appropriate proceedings for such a claim so as to provide an opportunity to the respondents to defend it.

However, there is no question of contempt. The contempt petition is dismissed. All the questions in respect of consequential benefits arising out of re-fixation of seniority of the petitioner, are kept open to be agitated in appropriate proceedings.

Judge.

Lanjewar