

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO. 88/2015

(DILIPKUMAR ASARAM MESHRAM **VERSUS** SWARNALATA BIMRAO GHODESHWAR, E.O.
(PRIMARY), Z.P., BHANDARA)

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

Court's or Judge's orders

Ms. Kirti Satpute, counsel for the petitioner.
Shri A.Y. Kapgate, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : APRIL 16, 2015.

By this contempt petition, the petitioner seeks action against the respondent under the provisions of Contempt of Courts Act, 1971 for willful disobedience of the order of *status quo* dated 25.07.2014.

The petitioner had filed Writ Petition No.3844 of 2014 challenging the demotion of the petitioner from the post of Headmaster to the post of Assistant Teacher. The matter was heard by this Court and by an order dated 25.07.2014, this Court directed the parties to maintain *status quo*.

It is the case of the petitioner that the petitioner had not handed over the charge of the post of Headmaster to Mrs.S.J.Gaupale and, hence, the respondent could not have directed the petitioner to handover the charge of the post after 25.07.2014.

The respondent has filed an affidavit-in-reply. It is stated in the affidavit-in-reply by placing reliance on the application filed by the petitioner, dated 20.12.2014 that Mrs.S.J. Gaupale has joined on the post of Head on which the petitioner was working before the order of demotion was passed on 09.07.2014. It is stated that Mrs.S.J. Gaupale has taken the charge of the post of

Head on 16.07.2014, i.e. much prior to the passing of the order of the *status quo* on 25.07.2014. It is stated that the petitioner has himself admitted the said fact in the communication issued by him to the Education Officer (Primary), Zilla Parishad, Bhandara on 20.12.2014.

On a perusal of the affidavit-in-reply and specially the communication issued by the petitioner to the Education Officer (Primary) dated 20.12.2014, it appears that Mrs.S.J. Gaupale had already taken the charge of the post of Head of the school on 16.07.2014 and, there was no question of Mrs.S.J. Gaupale again handing over the charge of the post of Head to the petitioner in view of the order of *status quo* dated 25.07.2014. Merely because, according to the petitioner, certain rules were not followed before the handing and taking over of the charge, it cannot be said that the respondent has deliberately flouted the order dated 25.07.2014, specially when the petitioner has admitted in the communication issued to the Education Officer of the Zilla Parishad that Mrs. S.J. Gaupale had joined on 16.07.2014.

In view of the aforesaid, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

APTE