

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 408 OF 2015

Laxman S/o. Vishwanathrao Deshmukh	.. Petitioner
Vs.	
The State of Maharashtra	
Through Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 291 OF 2015**

Sou. Amruta Arvind Kulkarni	.. Petitioner
Vs.	
The Head Master,	
Shri S.A. Bhoi & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 355 OF 2011**

Shri Ramdas Baburao Khairnar	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 356 OF 2011**

Miss Neha Sunil Oak	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 357 OF 2011**

Mr. Babu Eknath Muradnar	.. Petitioner
Vs.	
Sanjay Kumar	.. Respondents

**WITH
CONTEMPT PETITION NO. 358 OF 2011**

Miss. Pratibha Pramod Parnerkar	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 359 OF 2011**

Sneha Prashant Parvate	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 360 OF 2011**

Arvind Panditrao Dighe	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 366 OF 2013**

Anil Rohidas Pawar	.. Petitioner
Vs.	
Shri Sanjay Kumar, Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 388 OF 2011**

Sachin Shankar Divkar	.. Petitioner
Vs.	
Sanjay Kumar & Ors.	.. Respondents

**WITH
CIVIL APPLICATION IN CONTEMPT PETITION NO. 28 OF 2015
IN
CONTEMPT PETITION NO.388 OF 2011**

Shri Rahul Ramesh Kismatrao (Applicants/Intervenors) & Ors.	.. Petitioners
Vs.	
Sachin Shankar Divkar (Org. Petitioner)	.. Respondent

**WITH
CONTEMPT PETITION NO. 409 OF 2015**

Vilas S/o. Dattatraya Tat	.. Petitioner
Vs.	
The State of Maharashtra, Through Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 410 OF 2015**

Anant S/o.Bhagwan Ambad	.. Petitioner
Vs.	
The State of Maharashtra, Through Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 411 OF 2015**

Vinod S/o.Tukaram Bhangale	.. Petitioner
Vs.	
Shri J.S. Saharia, The Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 412 OF 2015**

Sampat S/o.Sonrao Ware	.. Petitioner
Vs.	
The State of Maharashtra, Through Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 413 OF 2015**

Smt. Manisha Bhimraj Patil & Ors. .. Petitioner
Vs.
Shri R.D. Shinde, Secretary & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 414 OF 2014**

Shri Sidhanath Baburao Pawar .. Petitioner
Vs.
Mrs. Ashwini Bhide & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 414 OF 2015**

Ambadas S/o. Gyandeo Sabane .. Petitioner
Vs.
The State of Maharashtra, Through The Secretary & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 415 OF 2014**

Ramesh Dnyaneshwar Thorat & Ors. .. Petitioners
Vs.
Mrs. Ashwini Bhide,
Secretary Education Dept. & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 415 OF 2015**

Shaikh Yunus Abbdul Karim & Anr. .. Petitioners
Vs.
The State of Maharashtra,
Through its Secretary & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 416 OF 2015**

Liladhar Purshottam Narkhede .. Petitioner
Vs.
The State of Maharashtra,
Through its Secretary & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 417 OF 2015**

Syed Khaled Abdul Hamid & Ors.	.. Petitioner
Vs.	
Mrs. Ashwini Bhide, The Secretary & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 418 OF 2015**

Hemantkumar Rambhau Bhagat	.. Petitioner
Vs.	
Gajanan Shivaji Bajad & Anr.	.. Respondents

**WITH
CONTEMPT PETITION NO. 442 OF 2013**

Shri Yashwant Chandrakant Raibagkar & Ors.	.. Petitioners
Vs.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 474 OF 2015**

Gangadhar Nivruti Korde	.. Petitioner
Vs.	
Mr. Nandkumar (The Principal Secretary)	.. Respondent

**WITH
CONTEMPT PETITION NO. 593 OF 2014**

K.R. Ghadage	.. Petitioner
Vs.	
Dr. P.R. Gaikwad, Director & Anr.	.. Respondents

**WITH
CONTEMPT PETITION NO. 594 OF 2014**

Shri Bhosage S.R.	.. Petitioner
Vs.	
Dr. P.R. Gaikwad, Director & Anr.	.. Respondents

**WITH
CONTEMPT PETITION NO. 36 OF 2016**

Mr. Avadhut Padmakar Mahajan	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 66 OF 2016**

Mr. Archana Sunil Geet	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 37 OF 2016**

Mr. Pravind Govind Puralkar	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 35 OF 2016**

Mr. Santosh Dayal Gaokar	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 509 OF 2015**

Mrs. Netra Vincent Machado	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 38 OF 2016**

Mr. Dhananjay Kamalakar Mhatre	.. Petitioner
Vs.	
Mr. Nandkumar & Ors.	.. Respondents

**WITH
CONTEMPT PETITION NO. 496 OF 2015**

Mr. Abdul Rahim Abdul Rajjak Pathan .. Petitioner
Vs.
Mr. Nandkumar & Ors. .. Respondents

**WITH
CONTEMPT PETITION NO. 261 OF 2016**

Mrs. Shruti Jaywant Rane .. Petitioner
Vs.
Mr. Nandkumar & Ors. .. Respondents

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WITH
CONTEMPT PETITION NO. 62 OF 2013
IN
WRIT PETITION NO.245 OF 2011**

Mrs. Jayashtree Gurudath Bhat .. Petitioner
Vs.
Shri Sanjay Kumar & Ors. .. Respondents

Mr. Satyajit P. Dighe for the Petitioner in CP. No.408/2015 to C.P. No.412/2015.

Mr. B.S. Nayak a/w S.P. Dighe for the Petitioner in C.P. No.414/2014 and C.P. No.366/2013 and C.P. No.415/2014.

Mr. Akshay P. Shinde a/w Mr. M.S. Kudle for the Petitioner in C.P. No.291/2015 and C.P. No.355/2011 to C.P. No.360/2011.

Ms. Prabha Badadare for the Petitioner in C.P. No.388/2011.

Ms. Saima Ansari for Petitioner in C.P. No.417/2015.

Ms. Pranita P. Hingmire for the Petitioner in C.P. No.474/2015, C.P. No.36/2016, C.P. No.66/2016, C.P. No.37/2016, C.P. No.35/2016, C.P. No.509/2015, C.P. No.38/2016, C.P. No.496/2015, C.P. No.261/2016.

Mr. C.P. Yadav, A.G.P. for the Respondent-State in all matters.

Mr. Gopal S. Tungar, Deputy Secretary, Mr. Suhas R. Chavan, Section Officer, School Education Department, Mantralaya are present in the Court.

**CORAM : ANOOP MOHTA &
G.S. KULKARNI, JJ.**

DATED : 26TH OCTOBER, 2016.

ORDER

1 Contempt Petitions No.36/2016, 66/2016, 37/2016, 35/2016, 509/2015, 38/2016, 496/2015 and 261/2016 are taken on board as the issue involved is similar which can be heard along with the matters which are listed today.

2 These Contempt Petitions are filed by the original petitioners who had approached this Court in various Writ Petitions seeking revised pay-scale applicable to the graduate librarians with effect from the date of obtaining a Librarians degree. These Writ Petitions by independent orders were allowed by following orders dated 17.12.1998 passed by the Division Bench of this Court in Writ Petition No.5938 of 1998 which reads thus :-

“Rule. Respondent No.1 is a formal party. Other Respondents waive service.

By consent Rule made returnable forthwith.

Petitioner has been working as Librarian since 16.11.84. petitioner is a Degree Holder. He acquired degree in Library Science in 1983. Petitioner is denied revised scale of Rs.1400/- to 2300/-. The original scale for the post was Rs.365/- to Rs.760/-.

We have gone through Government Resolution dated 1.10.98. In view of the said Government Resolution Petitioner is entitled to Revised Scale. He holds the Degree in library Science. Hence Rule is made Absolute in terms of prayer clause (b). No costs.

Arrears to be paid within 2 months. ”

3 The above orders passed by the Division Bench were challenged by the State Government by approaching the Supreme Court and attained finality in view Supreme Court rejecting the Appeal filed by the State Government.

4 Thereafter several other Writ Petitions were filed by librarians/petitioners seeking similar reliefs. These Writ Petitions came to be allowed basically in terms of the above order dated 17.12.1998 passed in Writ Petition No.5938 of 1998. We may make a mention some of the orders. Writ Petition No.1622 of 2000 came to be decided by the Division Bench in terms of the order dated 17.12.1998 passed in Writ Petition No.5938 of 1998 (supra). Writ Petition No.4424 of 2003 also came to be decided by the order dated 16.09.2003 in terms of prayer clause (b) by which the petitioners came to be granted the revised pay scale. Prayer clause (b) specifically refers the revised pay scale of Rs.1400/- to 2300/- as one of the pay scales. Thereafter a batch of Writ Petitions (Writ Petition No.177 of

2011 along with connected matters) came to be decided by the Division Bench by an order dated 28.04.2011. In para 5 specifically there is a reference to the revised pay scale as 1400-2300. It would be useful to refer to the observations of the Division Bench in para 9 of the said order which reads thus :-

“9. As a matter of fact the petitioner(s) initially relied on the decision of another Division Bench in the case of Shobhu Shankar Chavan Vs. Head Master, Maharashtra Vidyalaya, Dist. Solapur in Writ Petition No.5938 of 1998. That decision however, makes reference to Government Resolution dated 1.10.1998. Some confusion arose on account of the said date referred to in the decision. It is however, now, not in dispute that the decision in Writ Petition No.5938 of 1998 has attained finality as the Appeal preferred by the State of Maharashtra against the said decision has been rejected by the Supreme Court. Further, according to the petitioner(s), the date referred to in the said decision of Government Resolution, as 1.10.1998, is a clerical error. That date ought to be read as 1.10.1988. There is force in this submission, as the same is supported by the Government Resolutions on record. In any case, having considered the norms specified in the Rules of 1988, there is hardly any doubt that the person who has been appointed as Librarian possessing qualification of Graduate in Bachelor of Librarian Science is entitled to get revised pay scale as specified therein irrespective of his date of appointment.”

5 The perusal of the above observations clearly indicates that the Court had followed the orders passed by the Division Bench in Writ Petition

No.5938 of 1998 (supra) which had attained finality as the Appeal preferred by the State Government was dismissed by the Supreme Court.

6 Further and significantly the orders in Writ Petition No.177 of 2011 along with the companion Writ Petitions were challenged by the State Government before the Supreme Court in Special Leave Petition (Civil Appeal No.9732 of 2012). The Supreme Court by an order dated 24.01.2014 dismissed the Special Leave Petition by the following order :-

“Heard Mr. Marlapalle, learned senior counsel in support of this special leave petition and Mr. Kudle and Mr. Manish Pitale, learned counsel appearing for the respondents. The special leave petition seeks to challenge the common order passed by a Division Bench of the Bombay High Court in a number of writ petitions allowing those writ petitions on the basis of the judgment rendered earlier by another Division Bench of the High Court in Writ Petition No.4424 of 2003. The issue involved is with respect to the pay-scales of the Librarians. The earlier judgment of the High Court passed in Writ Petition No.4424 of 2003 was left undisturbed by this Court. The High Court could not have taken a different view. We are also not inclined to take a different view on merits. The special leave petition is, therefore, dismissed.”

7 The above order of the Supreme Court makes it clear that the issue was put to rest in view of the Supreme Court not disturbing the decision of the Division Bench of this Court in Writ Petition No. 4424 of

2003 (supra) by its order dated 16.09.2003 rejecting the Special Leave Petition of the State Government. We are informed that the State Government had thereafter approached the Supreme Court in Review Petition which also came to be rejected by an order dated 26.02.2015.

8 In view of this clear position, all the orders passed by this Court from time to time in Civil Writ Petitions have attained finality and it was the binding obligation on the State Government to comply with the orders and grant revised pay scales to the petitioners who had approached this Court.

9 Accordingly on the earlier occasion we had passed an order directing the State Government to place on record the correct position as to whether the various orders (supra) passed by this Court and of which the petitioners say that there is a non-compliance and complain of a contempt have been complied or not. We also note that in some Contempt Petitions, contempt notices are issued.

10 In pursuance of the order dated 24.10.2016 Mr. Gopal S. Tungar, Deputy Secretary, Mr. Suhas R. Chavan, Section Officer, School Education Department, (Mantralaya) are present in the Court, on whose instructions Mr. Yadav learned Assistant Government Pleader submits

that a Government Circular dated 14.06.2016 has been issued by the State Government, whereby in compliance of the above various orders passed by this Court, directions are issued to implement the revised pay scale and that the petitioners would be accordingly made the payment as per their entitlement. We have taken the Government circular dated 14.06.2016 on record which is marked "X" for identification.

11 A perusal of the Government Circular dated 14.06.2016 indicates that considering the various orders passed by the Division Bench from time to time in all the Petitions which we have referred above as also the orders passed by the Supreme Court, the Government has clarified that the concerned librarians are petitioners, have become entitled to the revised pay-scales to be granted under the 4th Pay Commission, 5th Pay Commission and 6th Pay Commission. The pay-scales are also set out in the said Government circular.

12 On instructions from the Officers who are present in the Court, Mr. Yadav the learned A.G.P. makes a statement that subject to compliance of the respective formalities of making claim by the petitioners if not already made the amount would be disbursed in compliance of the order passed by this Court within a period of 2 months from today. Statement is accepted.

The learned counsel for the petitioners state that they would take appropriate steps within the period of two weeks from today to make a claim if not already made in respect of the benefit of the revised pay-scales under the orders passed by this Court.

13 In the light of the above position, we find that it would be appropriate and in the interest of justice that these Contempt Petitions be not proceeded any further. The Contempt Notices issued to the respondents are accordingly dropped.

14 All the Contempt Petitions are disposed of subject to the above observations. No costs.

(G.S. KULKARNI, J.)

(ANOOP MOHTA, J.)