

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

CONTEMPT PETITION NO.88 OF 2016

(Jayant Shikshan Sanstha and others vs. Shri Nandkumar, Secretary, State of Maharashtra)

Office Notes, Office Memoranda of

Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri P.N. Shende, Advocate for petitioners.

Shri N.R. Patil, Assistant Government Pleader for respondent.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 26, 2016

Heard Adv. Shende for petitioners and
Shri N.R. Patil, learned Assistant Government
Pleader for respondent.

We have perused order dated 10/2/2015
passed in Writ Petition No. 4722/2013.

Considering prayer in writ petition to
direct respondent State to sanction posts after
observing that petitioners proceeded with recruitment
though they were aware that posts were not available,
only because Education Department had sent
proposal for sanction of those posts to State
Government, we directed respondent State
Government to take suitable decision upon it within a

period of six months from the said date.

As decision was not taken, Contempt Petition No.88/2016 came to be filed.

On 29/6/2016 though respondent was served and he was absent, we issuedailable warrant and made it returnable on 18/7/2016. On the very same day, in the afternoon, learned Assistant Government Pleader submitted that order implementing directions was already issued. Because of this statement, though Adv. Shende had objected, we placed matter for further consideration on 7/7/2016. It appears that matter was thereafter listed on that day and came to be adjourned to today.

Perusal of order dated 29/6/2016 issued by State Government shows that if one post of Laboratory Assistant and one part time post of Librarian were available over and above the sanctioned strength as additional posts, permission to fill in the same through absorption should be given. On 2/7/2006, Education Officer (Secondary), Zilla Parishad, Gondia has issued orders directing absorption of one Sunita Arjunsing Chauhan as Laboratory Assistant and one A.S. Kasar as part time Librarian. We are taking these documents on record of contempt petition as Annexures "X", "Y" and "Z" respectively.

Though there is delay in complying with the order, in the present situation, we are not inclined to proceed further with it. With liberty to petitioners to challenge the orders at Annexures “X”, “Y” and “Z” on merits in accordance with law, if they are aggrieved by them, we dispose of contempt petition. No costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

27/07/2016