

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

CONTEMPT PETITION NO. 59 OF 2016

IN

WRIT PETITION NO. 6798 OF 2014 (P)

Ku. Nandadevi d/o Anandrao Revatkar

-vs-

Shri Omprakash P. Gudhe, Education Officer (Secondary), Z.P. Nagpur and others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

 Mr. S.Y.Deopujari, counsel for the petitioner.
 Mrs.K.S.Deshpande, AGP for the respondent Nos.1 and 4.
 Mr. P.P.Thakare, counsel for the respondent Nos.2 and 3.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 08.07.2016.

By this contempt petition, the petitioner seeks action against the respondents for deliberate and unintentional breach of the directions issued by this Court on 06/02/2015 in Writ Petition No.6798 of 2014.

It is the case of the petitioners that despite the grant of interim relief in favour of the petitioner in terms of prayer clause-4, the respondents have terminated the services of the petitioner by declaring her as surplus. It is stated that by prayer clause-4, the petitioner had sought a direction to continue the petitioner in employment on the post of Shikshan Sevak and allow her to sign the muster roll. It is stated that since the said petition is still pending, it is clear that the respondents have violated the orders of this Court.

On the other hand, it is submitted on behalf of the respondent Nos.2 and 3 by their learned counsel that a challenge like the one raised in Writ Petition No.6798 of 2014 was also raised in Writ Petition No.9026 of 2014 and other writ petitions and the Division Bench at the Principal Seat has declined to entertain the writ petitions that were placed before the Division Bench and also all the similarly

based petitions. It is stated that in view of the judgment dated 15/12/2015, in the bunch of writ petitions bearing Writ Petition No.9026 of 2014, the respondent Nos.2 and 3 have terminated the services of the petitioners.

On a reading of the judgment in Writ Petition No.9026 of 2014, it appears that the challenge like the one in Writ Petition No.6798 of 2014 was rejected by the Division Bench at the Principal Seat, by the judgment dated 15/12/2015. Not only was the challenge in the petitions before the Court rejected, but for the reasons recorded in the judgment, the Court held that similarly based petitions are also rejected. In view of the judgment, dated 15/12/2015, it appears that the respondent Nos.2 and 3 have terminated the services of the petitioner.

In view of the aforesaid, we do not find that the respondent Nos.2 and 3 have deliberately disobeyed the interim order of which the contempt is alleged. Hence, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE