

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

CONTEMPT PETITION NO.155/2010

IN

WRIT PETITION NO.2978/2007 (P)

Vidya Mandir Teacher Association, Vidya Mandir Governed by Black Diamond
Education Society, P.O. Kamptee, Nagpur through Mr. Ramakant s/o Vishnupant
Kulkarni

...Versus...

State of Maharashtra, through Secretary, Education Department, Mantralaya,
Mumbai and others

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

Court's or Judge's orders

Shri S.S. Ghate, Advocate for petitioner
Shri A.A. Madiwale, AGP for respondent nos.1 and 2
Shri A.D. Mohgaonkar, Advocate for respondent nos.3 and 4
Shri M. Anilkumar, Advocate for respondent nos. 5 to 7

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : 22.09.2016

By this contempt petition, the petitioner – Association seeks action against the respondents for wilful disobedience of the directions in the order dated 19.4.2010, in Writ Petition No.2978/2007.

Shri Ghate, the learned Counsel for the petitioner states that since the teachers working in the school run by the Black Diamond Education Society of which the employees of the Western Coalfields Limited were *ex officio* members on the managing committee were not paid their salary, they had filed Writ Petition No.2978/2007 through the petitioner – Association. It is stated that in the said writ petition, by an interim order,

dated 19.4.2010, the management was directed to pay the arrears of salary of the teaching and non-teaching staff of the school after September, 2008. It is stated that though the salary for certain period was paid, the salary for the past more than one year is not paid. It is stated that it would be necessary for the respondents to pay the salary to the members of the petitioner – Association, that are, the teaching and the non-teaching staff.

Shri Anilkumar, the learned Counsel for the respondent nos.5 to 7 does not dispute that the Western Coalfields Limited is releasing grants, which are liable to be utilized for the administration and welfare of the school in which the young ones of the employees of the Western Coalfields Limited are taking education. It is stated that the grants were not released in favour of the Black Diamond Education Society as there was a serious dispute in regard to the appointment of the employees of the Western Coalfields Limited on the management of the Society. It is stated that the employees, that were placed in the management, were not desirous of acting as the *ex officio* members of the Society. It is stated that the respondent nos.5 to 7 are ready to release the grants in the name of the Black Diamond Education Society to the extent of rupees 27.50 lac within four weeks, which would include the grants for maintenance for a period of one and half year. It is stated that till the writ petition is pending, the respondent nos.5 to 7 would release the grants in favour of the Black Diamond Education Society.

Since a statement is made on behalf of the respondent nos.5 to 7 that they are willing to release the grants for about 18 months immediately and are also ready to release the grants in

future till the writ petition is pending, in view of the order, of which the contempt is alleged, it would not be necessary to proceed with the contempt petition any longer.

At this stage, it is stated on behalf of the petitioner that it would not be proper for the respondent nos.5 to 7 to release the grants by cheque or a draft in favour of the Black Diamond Education Society as there is a serious dispute in regard to the management of the Black Diamond Education Society. It is stated that the said grants may be released in favour of the Principal of Vidya Mandir, Kamptee, who would maintain the accounts and release the salary in favour of the teaching and non-teaching staff.

Considering the background in regard to the disputes pending before the Charity Commissioner, in the fitness of things, as a statement is made on behalf of the respondent nos.5 to 7 that they would release the grants, we direct the respondent nos.5 to 7 to release the grants in the name of the Principal, Vidya Mandir, Kamptee to the extent of rupees 27.5 lac within four weeks and continue to release the six monthly grant in the name of the Principal.

By accepting the statements made on behalf of the parties, specially the Counsel for the respondent nos.5 to 7, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

CERTIFICATE

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

Uploaded by : S.S. Wadkar, P.S.

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