

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.580 OF 2013
IN
WRIT PETITION NO.1151 OF 2012

Bandhane Gorakhnath Popat.] ... Petitioner

Versus

Shri Vasant Ganu Patil & Ors.] ... Respondents

Mr. C. R. Sadasivam i/b N. M. Ganguli for Petitioner.
Mr. Sushil Mahadeshwar a/w Ranjana Todankar for Respondent No.1.
Mr. Vasant Ganu Patil, Respondent No.1, present in person.
Mr. Abhishek Tripathi i/b Rui Rodrigues for Respondent No.3.
Mr. A. R. Metkari, AGP for Respondent No.4.

CORAM :- G. S. KULKARNI J.
DATE :- 17 FEBRUARY, 2017

P. C. :-

1. Heard learned Counsel for parties.
2. By an order dated 06/01/2017, this Court, considering the submissions as urged on behalf of the parties, was *prima facie* of the opinion that there is a breach of the order dated 05/07/2012 passed in the above Writ Petition confirming the orders passed by the University Tribunal in allowing the appeal of the petitioner.
3. Today, in pursuance of the earlier orders passed by this Court, respondent no.1 - Mr. Vasant Ganu Patil, Chairman of Sanjeevan Gramin Vaidhakiya Samajik Sahayata Pratishthan, is present in the

Court. Mr. Mahadeshwar, on the instructions of Mr. Vasant Patil, submits that the orders passed by the University Tribunal in Appeal No.13 of 2011, as confirmed by the orders of this Court in Writ Petition No.1151 of 2012 dated 08/07/2012, shall be complied by the respondent no.1 as also the present principal who is in-charge of the Arts, Commerce Collete Onde, Taluka Vikramgad, District Thane, as respondent no.2 is no more the principal. This statement as made by Mr. Mahadeshwar is accepted as an undertaking to this Court.

4. Mr. Mahadeshwar, however, would urge that his client has certain issues of payment of back-wages and these issues be considered. This submission of Mr. Mahadeshwar cannot be accepted. In these proceedings, the issue is limited only to the extent of exercise of contempt jurisdiction under the Contempt of Courts Act read with Contempt of Court (Bombay High Court) Rules 1994, thus any dispute on merits of the orders passed by this Court, cannot be the subject-matter of this proceeding. If the respondent no.1 has any issues in that regard, he is not precluded from urging the same before the appropriate forum.

5. On the above statement of Mr. Mahadeshwar on behalf of respondent nos.1 and 2 that respondent nos.1 and 2 would comply the orders passed by this Court and the Tribunal, Mr. Sadasivam, learned Counsel for petitioner, states that accordingly, the petitioner shall report for duty on 22/02/2017 at 9.30 a.m. In this view of the matter, Mr. Sadasivam states that the petitioner would not be interested to pursue this Contempt Petition as the orders are being complied by the respondent no.1.

6. Mr. Sadasivam, accordingly, does not press this Contempt Petition and would urge that the Contempt Petition be disposed of, however, with a liberty to the petitioner to move a fresh petition if the undertaking as made to the Court today on behalf of the respondent nos.1 and 2 is not complied with as also in case of the non-compliance of the order in question.

7. The Contempt Petition is accordingly disposed of as withdrawn, however, with liberty to the petitioner as urged.

8. There shall be no order as to costs.

(G. S. KULKARNI, J.)