

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Contempt Petition No. 75 of 2017
IN
Writ Petition No.2837 of 2016 [decided]
[Melghat Adiwasi Vidyarthi Yuva Sanghana Vs. Shri Kiran Kulkarni,
Chief Executive Officer, Zilla Parishad, Amravati]

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

Court's or Judge's orders

Mr. S. G. Loney, Adv., for the petitioner.
Mr. D.M. Kale, Adv., for respondent sole.
Mr. Gangane, AGP.

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**CORAM : B.R. GAVAI AND
A. S. CHANDURKAR, JJ.**

DATE : 03rd May, 2017

In this Contempt Petition, the petitioner is alleging that the respondent is acting in breach of the order dated 4th July, 2016 passed by this Court in Writ Petition No. 2837 of 2016.

It is the contention of the petitioner that the

transfer orders which are issued by the respondent - Zilla Parishad are in breach of the undertaking given by the respondent - Zilla Parishad in Writ Petition No. 2837 of 2016, which is recorded by this Court vide order dated 4th July, 2016.

This Court has recorded the following Undertaking while disposing of Writ Petition No. 2837 of 2016:-

“Shri Kasat, the learned Counsel for the Zilla Parishad states, on instructions and on the basis of the affidavit-in-reply filed on behalf of the Zilla Parishad, that while effecting the general transfers for the year 2016-17, the tribal employees of the concerned areas, that are posted elsewhere, would be asked to give their option whether they are ready to work in the concerned tribal area. It is stated that the persons who give such options would be transferred to the concerned tribal area only. It is stated that the recruitment process for filling up the remaining vacant posts, as per the Government Resolution, by nomination, would be initiated in the month of November, 2016 and even if such posts are filled by transfer of the non-tribals, that would be only for a limited period, till the recruitment process is complete and till the appointees join on their respective postings.”

From the perusal of the Affidavit-in-Reply filed on behalf of the respondent, it appears that whenever the Zilla Parishad has made an attempt to transfer the teachers from plain areas to the tribal areas, there has

always been resistance from the teachers working in plain areas. Perusal of various orders passed in Writ Petition No. 6076 of 2016 would reveal that when the teachers from the plain areas were sought to be transferred to Melghat area, they had challenged the transfer orders on the ground that the transfers have been made in midterm and the petitioners therein had no opposition to their transfers. However, the transfers in the midterm would cause injury to their children's education. The said petition came to be subsequently disposed of vide order dated 05th December, 2016 by directing that the transfers which were impugned in the said petition would not be acted upon till the Academic Session 2016-17 as a special case only. The petitioners were directed to furnish an undertaking that they would join at the respective places of transfer on 2nd May, 2017, without any objection, whatsoever.

It now appears that the present Contempt Petition is a novel way so as to come out of the rigor of the said two orders.

No doubt, it is the contention of the petitioner that the people taking education in Melghat area should be benefited by the teachers who are possessing requisite knowledge of Korku language.

We do not find that any act has been committed which can be said to be deliberate act amounting to

contempt of the orders passed by this Court. We find no merit in the petition. Contempt Petition is rejected.

Judge

Judge.

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