

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CONTEMPT PETITION NO. 281/1999**

(MRS.REKHA DAYANAND PAWSHE **VERSUS** THE DEPUTY DIRECTOR OF EDUCATION &  
OTHERS)

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

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Shri S.P. Dharmadhikari, Senior Counsel assisted by Shri P.A. Kadu,  
counsel for the petitioner.

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

**DATE : APRIL 7, 2017.**

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the orders passed by this Court on 30.04.1997 and 07.10.1998 in Writ Petition No.1223 of 1997.

According to the petitioner, though this Court had, by the aforesaid orders, directed the parties to maintain status quo and had further directed the respondents to pay the salary to the petitioner during the pendency of the petition, the respondents had not paid the salary.

On a perusal of the proceedings, we find that by the order dated, 07.04.2017, this Court has disposed of the writ petition with an observation that the issues involved in the writ petition cannot be decided in exercise of the writ jurisdiction. It is observed in the order, dated 07.04.2017 by which the writ petition is disposed of that the petitioner is free to avail the alternate remedy in accordance with law. It appears that the petitioner's services were otherwise terminated as the petitioner was employed as an Assistant Teacher to teach the subjects in the science stream and the

science stream in the institution in which the petitioner was employed, was discontinued. As a result of the closure of the science stream, it appears that the petitioner's services were terminated and approval was not granted to the services of the petitioner after the science stream was closed. The said action was challenged by the petitioner in Writ Petition No. 1223 of 1997 in which the aforesaid orders were passed. We find on a reading of the orders that the Court had directed the parties to maintain status quo and the management was directed to pay the salary of the petitioner. It is, however, not clear from the said order that the salary was payable to the petitioner throughout the pendency of the proceedings. Also, since the science stream was closed, the petitioner could not have taught the subjects for which she was appointed. In the circumstances of the case, it would not be proper to proceed with this contempt petition any longer as the writ petition is disposed of without granting any relief in favour of the petitioner and we do not find that the respondents have deliberately and intentionally flouted the orders passed by this Court on 30.04.1997 and 07.10.1998.

In the result, the contempt petition stands disposed of with no order as to costs.

**JUDGE**

**JUDGE**

*Sahare*