

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO. 176/17 IN WRIT PETITION NO. 3419 OF 2016.
(Smt. Maya w/o Vinayak Wankhede .vs. Mr. Satish Mendhe, Education Officer
(Sec.), Z.P. & others)

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

Court's or Judge's orders

Mr. Anand Parchure, Advocate for petitioner,
Mr. D.P. Thakare, A.G.P. for respondent no.1,
Mr. V.A. Dhabe, Advocate for respondent no. 2,
Smt. Rashi Deshpande, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI & ARUN D. UPADHYE, JJ.

DATED : SEPTEMBER 25, 2017.

1] The matter was heard in first half. Thereafter at the instance of the learned Counsel for contempt petitioner, it was adjourned to second half. In second half, our attention is invited to order dated 2.4.2016 which disposes of Writ Petition No. 5357/15. There this Court has taken note of the arrangement made by the Education Officer on 27.11.2013 and found that it was in vogue for considerable time.

2] Mr. Anand Parchure, learned Advocate for petitioner, submits that Education Officer has in last sentence while ordering interim arrangement mentioned that if office bearers of institution take any action against staff, it would be declared illegal.

3] We have heard Mr. Anand Parchure, learned Advocate for petitioner, Mr. D.P. Thakare, learned A.G.P. for respondent no.1, Mr. V.A. Dhabe, learned Advocate for respondent no. 2 and Smt. Rashi Deshpande, learned Advocate for respondent no.3.

4] We find that said stipulation by Education Officer is in the backdrop of earlier part restraining the management from interfering with the school affairs.

5] Here, after order of suspension, termination was ordered on 8.9.2016 and it was given effect to on 10.9.2016. The Pursis informing termination was also placed on record of Writ Petition No. 3419/16 on 19.9.2016.

6] Thus, order of this Court dated 20.9.2016 directing not to take any adverse action against the petitioner is later in point of time. By that date, action was already taken.

7] Mr. Anand Parchure, learned Advocate for petitioner, however, has attempted to demonstrate that this also is bad in law. According to him, Education Officer has not taken cognizance of grievance made by petitioner though directions issued by him on 23.11.2013 have been continued further.

8] In this situation, though we are not in a position to take cognizance of grievance in Contempt Petition, we list the Writ Petition No. 3419/16 for admission on 4.10.2017. Grievance made by petitioner is kept open and shall be looked into at that juncture.

9] Similarly, we also grant petitioner leave to file proper Civil Application pointing out necessary details.

10] Accordingly, Contempt Petition No. 176/17 is disposed of.

11] List the Writ Petition on 4.10.2017.

Judge

Judge

J.