

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 278 OF 2015
IN
WRIT PETITION NO. 2136 OF 2013

Ramesh Dattatraya Jadhav

.. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Shri S. R. Barlinge, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for Respondent /
State.

Respondent No. 2 - served.

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATE : 20th July, 2018

PER COURT :

1. It is submitted that pursuant to the orders passed by this Court in Writ Petition No. 2136 of 2013 dated 28.03.2014 the management has appointed the petitioner on the post of 'Peon' on compassionate ground.

2. Mr. Barlinge, learned counsel for the petitioner submits that the Education Officer was a party to the writ petition but still has

rejected the proposal seeking approval to the appointment of petitioner as a 'Peon'. According to the learned counsel, when this court had directed the management to appoint the petitioner in which the Education Officer was also a party it was not open for the Education Officer to reject the proposal.

3. Mr. Yawalkar, learned Additional Government Pleader submits that there were no directions in the order passed by this court directing to grant approval.

4. No doubt, this court has directed the management to consider the petitioner for appointment on the post of 'Peon' or any other available post as may be permissible by relevant rules. Pursuant to the said order the management has appointed the petitioner. The Education Officer has rejected the proposal seeking approval to the appointment of the petitioner. Assuming that the grounds on which the order is passed was

erroneous, still, the same will have to be assailed. The proposal is rejected on the ground that only one post of 'Peon' was permissible. The same will have to be considered on merits.

5. In the light of that, it will not be possible to consider the order of the Education Officer on merits in the contempt petition. The petitioner is at liberty to assail the said order by an independent petition.

6. Contempt Petition, as such, is disposed of.
No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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