

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 392 OF 2018
IN WP/14183/2017

VILAS VISHWANATH UGALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Hemant U.Dhage
AGP for Respondents 1 & 2 : Shri G.D.Wattamwar

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CORAM : PRASANNA B. VARALE & RAVINDRA V. GHUGE, JJ.
Dated: September 10, 2018
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PER COURT :-

1. Heard the learned Advocate for the petitioner and the learned AGP for the respondents.
2. The petitioner is before this Court with a grievance of non-compliance of the order passed by this Court.
3. Our attention was invited to the order passed by this Court (Coram : R.M.Borde & Smt. Vibha Kankanwadi, JJ.), dated 8.11.2017. Considering the limited grievance raised by the petitioner i.e. non-decision on the proposal forwarded by the institution seeking approval to the appointment of the petitioner, this Court though it fit to decide the petition with a direction to respondent No.2 - Deputy Director of Education to take a decision on the proposal forwarded by the

institution within stipulated period of four months from the date of the order. As no decision was taken within the stipulated period, the petitioner is before this Court by raising his grievance and seeking an action against the respondents / authorities.

4. The learned AGP, by inviting our attention to the affidavit in reply, submits that though there is a delay in taking the decision, the delay is on account of bonafide reasons. The reasons for delay are stated in paragraph No.5 of the reply. Deponent Dinkar Tabaji Temkar, Joint Director of Education (Primary), Maharashtra State, Pune in his affidavit dated 9.8.2018 has tendered un-conditional apology for the delay. We accept the same.

5. The learned AGP then invited our attention to the order dated 7.8.2018. The Deputy Director of Education by the said order, on considering the grievance of the petitioner, passed the order, thereby turning down the claim of the petitioner to grant him the salary treating him as a Full Time Teacher. In the order, the authority arrived at a conclusion that the petitioner is to be treated as a Part Time employee, in view of the sanctioned posts and he would be entitled to receive salary in pay matrix of Rs.4650-17400+Grade Pay Rs.2300.

6. Thus, the order of this Court is complied with, though belatedly

and apology is also tendered by the authority for the delay caused. The learned counsel submitted that the order passed by the Deputy Director of Education, treating the petitioner as a part time employee, is unsustainable. For such a grievance, the petitioner can avail the alternate remedy available in law, if so advised.

7. As the grievance of the petitioner in the present Contempt Petition is redressed and we see no reason to keep the Contempt Petition pending.

8. In the result, the Contempt Petition is disposed of with liberty to the petitioner to challenge the order passed by the Deputy Director of Education, if so advised.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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