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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CONTEMPT PETITION NO.504 OF 2017 IN
WRIT PETITION NO.183 OF 2013

Maheshkumar Raghunath Borse ... PETITIONER

VERSUS

Ravindra Atmarao Patil & ors. ... RESPONDENTS

.....
Shri V.P. Patil, Advocate for petitioner
Shri S.P. Brahme, Advocate for respondent No.1
.....

CORAM: PRASANNA B. VARALE AND
MANISH PITALE, JJ.

DATED : 4th OCTOBER, 2018.

ORAL ORDER :

1. The petitioner was before this Court in the present Contempt Petition with a grievance that though the order was passed by this Court in Writ Petition No.183/2013 on 3.7.2014 and in Contempt Petition No.538/2014, dated 22.9.2016, the respondents failed to comply the order of this Court. Notice was issued by this Court by order dated 13.9.2017. During the pendency of the petition, the learned counsel for the petitioner brought certain facts to the notice of this Court. The Education Officer (Secondary), Zilla Parishad, Dhule granted approval to the

petitioner by order dated 10.8.2018 and the petitioner was absorbed in the school as Shikshan Sevak, and in spite of the approval order, the respondent No.1 Shri Ravindra Patil forwarded a communication to the Education Officer (Secondary), dated 28.8.2018 raising certain objections to the approval granted by the Education Officer. On 27.9.2018, learned counsel Mr. Brahme. on the backdrop of the grievance raised by the petitioner, prayed some time to take instructions. The respondent No.1 was directed to remain present before this Court on the next date.

2. Today Mr. Brahme invited our attention to the affidavit-in-reply filed on behalf of respondent No.1 Shri Ravindra Patil. The respondent No.1 Shri Ravindra Patil is also present in this Court. Learned counsel Mr. Brahme submitted that, the communication dated 28.8.2018 may not be a happily worded communication, but the Head Master was rather more cautious than what was required. Mr. Brahme submitted that, on receiving the order passed by this Court in Contempt Petition, Shri Patil forwarded communication to the petitioner and the same is placed on record at Exhibit R-4. Mr. Brahme submitted that, respondent No.1 Mr. Patil only expressed his inability for issuing appointment order as he is not the competent authority. Mr. Brahme then submitted that respondent No.1 Mr. Patil made it clear in the communication that he is having no personal

grievance against the petitioner and the proposal for approval is already forwarded to the Education Officer. The learned counsel Mr. Brahme, on instructions from the respondent No.1, who is present in this Court, submits before this Court that, the respondent No.1 Mr. Patil is ready to withdraw the communication dated 28.8.2018. We permit the respondent No.1 to withdraw the communication dated 28.8.2018.

3. We have perused the order of this Court, dated 3.7.2014, passed in Writ Petition No.183/2013 and the order dated 22.9.2016 in Contempt Petition No.538/2014. It is not in dispute that the petitioner submitted his joining report on 17.7.2014. A copy of the joining report is also placed on record at Page 48. The joining report is duly signed by the Head Master. The perusal of approval order dated 10.8.2018 shows that the Education Officer (Secondary) granted approval for absorption of the petitioner in view of the post falling vacant on retirement of Smt. S.N. Bhamre. The perusal further shows that the petitioner's date of appointment is referred to and it is 15.4.2010. The approval granted to the petitioner is also treated as an approval granted from 15.4.2010. Thus, there cannot be any dispute that this approval order leads to continuity granted to the petitioner from 15.4.2010 and in view of the above referred facts, the petitioner, who has joined the school from 1.5.2017, would be entitled for the salary from that date i.e. 1.5.2017.

4. Learned counsel Mr. Brahme, on instructions, made a statement before us that the respondent No.1 Mr. Ravindra Patil would submit salary bills of the petitioner within two weeks from today. The learned A.G.P. submits that, as soon as the bills are received by the Education Officer, the Education Officer (Secondary) would take appropriate steps as per the provisions of the Act and Rules. As the grievance of the petitioner is redressed, Contempt Petition is disposed of accordingly.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-

Faridkhan
Mahammadkhan
Pathan

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by Faridkhan
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Pathan
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2018.10.05
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