

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

CONTEMPT PETITION NO.8 OF 2018
IN
WRIT PETITION NO.4959 OF 2015

Madhuri Shrikrishna Kulkarni .. Petitioner

Versus

Chandrakant Hari Badhe and ors. .. Respondents

Mr M.M. Bhokariker, Advocate for petitioner
Mr N.S. Choudhary, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 3rd April 2018

PER COURT

1. The proposal is rejected on the ground that as on the date when the proposal was received, the petitioner was age barred.
2. It is not open for respondents to contend that the petitioner was appointed in 2007. The order of the School Tribunal clearly states that the petitioner was appointed in the year 1997 and the said fact was also considered by this Court in Writ Petition no.7516 of 2013 under order dated 4.12.2014.
3. In view of the judicial orders passed by the School Tribunal considering appointment of the petitioner from 1997, the respondents now would be duty bound to consider the case of the petitioner as having been appointed in June 1997 i.e. the date considered by the School Tribunal in appeal. The respondent - Education Officer was also party in the said proceeding.

4. In the order dated 4.12.2014 in Writ Petition no.7516 of 2013, we had directed the Education Officer to consider services of the petitioner from June 1997 and shall make fixation of petitioner's salary from 2012, i.e. since the date of reinstatement and if the pay fixation is wrongly done, then the arrears shall be paid from 2012.

5. Considering the above, the order passed by the Education Officer (Primary), Zilla Parishad, Jalgaon on 19.3.2018 certainly is not in consonance with the orders passed by this Court. The respondents would be required to consider the services of the petitioner from 1997 notionally and the question of arrears would arise only after 2012 onwards.

6. With these directions, the respondents shall pass correct order.

7. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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