

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.346 OF 2016
IN
WRIT PETITION NO.9024 OF 2014**

Smt. Jyoti Bholenath Gaikwad ..Petitioner
Versus
State of Maharashtra and others ..Respondents

**Mr. R. K. Mendadkar a/w Ms. Komal Gaikwad, Advocate for the
Petitioner.**
Ms. Kavita N. Solunke, AGP for Respondent No.1 and 2.
Mr. Vikram V. Pai, Advocate for Respondent No.5.
**Mr. Shailesh Chavan i/by Mr. Milind Deshmukh, Advocate for
Respondent Nos.3 and 4.**

**CORAM : B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.
DATE : 23rd APRIL, 2018**

PC.

1] The present Contempt Petition is filed by the Petitioner alleging disobedience of the order dated 2nd March 2015. By the said order passed by this Court, the statement was made on behalf of the Respondent – Scrutiny Committee that it would decide the claim of the Petitioner within a period of six months came to be accepted. The Court had specifically observed that the management would send the salary bills of the Petitioner for the period from October 2011 till date, to the Education Officer i.e. Respondent No.5, so that the arrears of salary of the Petitioner for the period from October 2011 till date could be released. A direction was also issued to the Education Officer to pay the regular salary to the Petitioner till her caste claim is decided. The arrears

of salary were to be paid to the Petitioner within a period of four weeks.

2] When the Contempt Petition was listed before this court on 9th April 2018, the learned AGP was requested to seek instructions from the Education Officer (Secondary), Zilla Parishad, Sangli, as to whether the Petitioner was regularly working in Respondent No.4 school and also seek instructions as to whether any other teacher was appointed on the post on which the Petitioner was claiming appointment.

3] Learned AGP Ms. Solunke, appearing on behalf of the Education Officer states before the Court that the Petitioner was found to be working in the Respondent No.4 school from 23.06.2009 to 22.06.2012. She further makes a statement that from the academic year 2009-2010 the Petitioner was working on the said post. From the academic year 2016-2017, the said post which is being occupied by the Petitioner is shown to be vacant. She has also placed on record communication addressed by the Education Officer to the Deputy Director of Education in respect of seeking proposal of the said post in view of the fact of validation of his claim as belonging to Scheduled Tribe on 13.11.2017. It is specifically recommended by the Education Officer that the proposal of approval was rejected in view of the invalidation of the caste claim, however, since now the claim has been validated, the proposal has been forwarded for consideration.

4] From the perusal of the material placed on record by the learned AGP, it is clear that the Respondent - Education Officer has taken steps to implement the order passed by this court on 2nd March 2015. The direction was issued to pay the arrears of salary of the Petitioner from October 2011 and continue to pay the regular salary. In view of the validation of the caste claim of the Petitioner by the committee on 13.11.2017, he is entitled for being regularised in the said post. However, presently, we are concerned with disobedience of the order dated 2nd March 2015. The proposal for approval of the appointment of the Petitioner is already forwarded by the Education Officer to the Deputy Director of Education on 19th March 2018. In view of the proposal forwarded by the Education Officer to the Deputy Director of Education, the Deputy Director of Education is directed to decide the said proposal and grant approval to the appointment of the Petitioner within a period of one month from today. On such approval being granted, the Respondents should pay regular salary to the Petitioner and also clear arrears of salary from October 2011 within a period of six months from the date of receipt of this order. In view of the said directions, the Contempt Petition is disposed of.

[SMT. BHARATI H. DANGRE, J.]

[B. R. GAVAI, J.]