

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.282/2018
IN
WRIT PETITION NO.1060/2015

Hiraji S/o Natthurao Bangare

..Vs..

Dyan Prasarak Shikshan Mandal, Nimgaon and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N. Shende, Advocate for the petitioner.
Shri H.R. Gadhia, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 8.2.2018.

Heard.

Accepting the reasons stated in the application, the petitioner is permitted to substitute the name of Ashok Uddhavrao Durge in place of Kawduji Khobragade. The civil application is **allowed** accordingly. No costs.

WRIT PETITION NO.1060/2015

In this writ petition an order is passed on 28th July, 2015 issuing Rule and directing the respondent No.1 / Management to continue the petitioner in the school administered by it and to make available to him all the monetary benefits. This order was challenged by the respondent / Management in Petition for Special Leave to Appeal (C) No.30717/2015. This petition for

special leave to appeal is disposed on 28th July, 2017. While disposing the petition for special leave to appeal, the Hon'ble Supreme Court granted liberty to the Management to seek early hearing of this writ petition and expressed that this Court would dispose the writ petition as early as possible, preferably within six weeks. It is worth noting that the Management has not taken any steps for getting the writ petition disposed. Not only this, when Contempt Petition No.303/2015 filed by the present petitioner / employee was listed and taken up for hearing, at that stage also, neither the Management nor the employee showed eagerness to argue this writ petition. The contempt petition is disposed on 17th January, 2018. In the contempt petition Ashok Durge whose name is now substituted in place of Kawduji Khobragade was also impleaded as the respondent. Ashok Durge appeared in the contempt petition and paid an amount of Rs.2,50,000/- (Rs. Two Lakhs Fifty Thousand) to the present petitioner / employee to purge the contempt. After disposal of the contempt petition on 17th January, 2018 the petitioner / employee has filed Civil Application No.282/2018 on 1st February, 2018 praying that the name of Ashok Durge be substituted in place of Kawduji Khobragade. The conduct of Ashok Durge, Kawduji Khobragade and the present petitioner is on record and it is clear that they are not interested in getting the writ petition disposed.

However, directions given by the Hon'ble Supreme Court are required to be obeyed by this Court.

Ashok Durge is aware about the pendency of this writ petition.

List the petition for hearing on **9th February, 2018** at serial No.1.

Shri H.R. Gadhia, Advocate who represents respondent - society through Kawduji Khobragade shall intimate this order to Kawduji Khobragade and to Ashok Durge through Kawduji Khobragade.

JUDGE

Tambaskar.