

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CONTEMPT PETITION NO.172 OF 2019

IN

WRIT PETITION NO.5168 OF 2018

(Madhukar Vyankatrao Kulkarni Vs The State of
Maharashtra and others)

Shri.Ravibhushan P Adgaonkar - Advocate for Petitioner
Mrs. P.V. Diggikar - A.G.P. for Respondent Nos.1 and 2
Shri.V.V.Bhavthankar - Advocate for Respondent
Nos.3 to 5

CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.

DATE : 04th November, 2019

ORDER :-

In the present Contempt Petition, our attention was invited to the order of this Court dated 21st January, 2019 passed in Writ Petition No.5168 of 2018 and accordingly, by order dated 04th March, 2019, simple notice was issued to respondent Nos.3, 4 and 5. In response to the notice, an affidavit-in-reply is filed on behalf of respondent Nos.3, 4 and 5.

2. On perusal of the material placed on record, certain interesting facts revealed. The petitioner approached this Court by way of Writ Petition No.5168 of 2018 with a grievance that the respondents are not abiding by the orders passed by the Education Officer dated 14th March, 2018. It is observed by the Division Bench of this Court in order dated 21st January, 2019 that by virtue of the order dated 14th March, 2018, the dispute about seniority has been decided and the transfer order passed by the respondent-Institution has been directed to be cancelled.

3. At this stage, learned Counsel appearing for respondent Nos.3 and 4 apprised this Court of the fact that the Appeal is already presented before the Deputy Director of Education. Considering this very fact that the proceeding was pending before the Deputy Director of Education and ultimately the Deputy Director of Education by his order remitted matter back to the Education Officer and there was no interim order passed by the Deputy Director of Education during pendency of the proceeding, the Division Bench of this Court

permitted the parties to appear before the Education Officer on a particular date i.e. 04th February, 2019 and further directed the Education Officer to take a decision afresh. The Management was directed to submit the salary bills to the Education Officer and the parties were to be bound by the order dated 14th March, 2018 passed by the Education Officer. The Writ Petition was disposed of accordingly.

4. As the parties were to follow the order of Education Officer dated 14th March, 2018 as an interim arrangement till the Education Officer passes the final order, on the background of the fact that the Education Officer subsequently passed the order on 02nd March, 2019, which is placed on record along with the affidavit-in-reply as Exhibit R-3, we see no reason now to entertain the Contempt Petition.

5. Needless to state that in case if any party is aggrieved by the order dated 02nd March, 2019 passed by the Education Officer, which is admittedly passed after the order of this Court dated 21st January, 2019, whereby the interim arrangement was made, can certainly

take appropriate steps to challenge the order before the appropriate and competent forum.

6. At the cost of repetition, we state that an interim arrangement of this Court by order dated 21st January, 2019 was till the decision to be taken by the Education Officer and as a fact, now the Education Officer took the decision, an interim arrangement made by this Court lost its efficacy and the parties may take appropriate steps in case they are aggrieved by the order of Education Officer. With this liberty granted to the parties and on the backdrop of the fact situation, the Contempt Petition is disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B VARALE, J.)

SST