

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO. 244 OF 2019 IN
WRIT PETITION NO. 5660 OF 2018

Syed Mujahed Ali Abed Ali

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. A.R. Ambetkar, advocate for petitioner.
Mrs. R.P. Gour, AGP for respondent no. 1.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.
DATE : 4th April, 2019.**

P.C. :

In Writ Petition No. 5660/2018, vide order dated 30.01.2019, this Court directed constitution of Departmental Promotion Committee so as to consider the claim for grant of promotion on the post of Higher Secondary School Teacher for English subject.

2. It is the case of the petitioner that the respondents instead of complying with the aforesaid order, have passed a contrary order. Learned counsel for the petitioner invites our attention to the order dated 27.03.2019 issued by the Chief Executive Officer. The submissions are, though admittedly, there exists a post of English teacher, still the order of Division Bench of this Court is not taken to its logical end.

3. If the aforesaid submissions are appreciated, the fact remains that the directions issued by the Division Bench of this

Court appear to have been complied with by constituting Departmental Promotion Committee and taking decision on the claim of the petitioner for promotion to the post of teacher in English subject. If such decision is incorrect, remedy to the petitioner lies elsewhere and not in the present contempt petition.

4. That being so, we hardly see any reason to proceed against respondents under the provisions of Contempt of Courts Act. Petition as such stands dismissed with liberty to petitioner to take out appropriate proceeding questioning the order refusing promotion.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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