

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

CONTEMPT PETITION NO.620 OF 2018
IN
WRIT PETITION NO. 3100 OF 2017

Shivhar s/o Eknath Bhatane and ors. ..Petitioners

Versus

Vandana Krushana,
Secretary, Education &
Sports Department,
Mantralaya, Mumbai and ors. ..Respondents

Mr S.G. Munde, Advocate for petitioners
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2
Mr K.B. Jadhavar, Advocate for respondent no.4

-WITH-

CONTEMPT PETITION NO.472 OF 2018
IN
WRIT PETITION NO.14182 OF 2017

Vasant Shrirangrao Jadhav and ors. ..Petitioners

Versus

Dr. Vandana Krushna,
the Secretary, Education Department
(Primary), Mantralaya, Mumbai and ors. ..Respondents

Mr S.A. Nagarsoge, Advocate for petitioners
Mr S.G. Sangle, A.G.P. for respondent no.1 and 2
Mr K.B. Jadhavar, Advocate for respondents no.5 and 6

~~WITH~~

CONTEMPT PETITION NO.601 OF 2018
IN
WRIT PETITION NO.6741 OF 2016

Vilas s/o Rohidas Pakhare ..Petitioner

Versus

The State of Maharashtra,
through the Secretary of
Education Department,
Maharashtra State, Mantralaya,
Mumbai and ors. ..Respondents

Mr H.V. Tungar, Advocate for petitioner
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2
Mr K.B. Jadhavar, Advocate for respondent no.4

- WITH -

CONTEMPT PETITION NO.632 OF 2018
IN
WRIT PETITION NO.3100 OF 2017

Ramkunwar Shivajirao Gore and ors.

..Petitioners

Versus

Smt.Vandana Krishna,
Additional Chief Secretary,
Education and Sports Department,
Mantralaya, Mumbai and ors.

..Respondents

Mr S.A. Ambad, Advocate for petitioners
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2
Mr K.B . Jadhavar, Advocate for respondent no.3

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

DATE : 03.12.2019

ORAL ORDER :

1. As the order dated 20.2.2018 passed in Writ Petition No.3100 of 2017 and the orders passed in above referred connected Writ Petitions are not complied with, the present Contempt Petitions are filed.

2. Initially, simple notice was issued and on 18.12.2018, this Court, with displeasure directed the respondents no.1 to 5 to file affidavit-in-reply. Today, our attention is invited to the affidavit-in-reply filed on behalf of respondent no.1 through Smt.Vandana Krishna, presently working as Additional Chief Secretary, School Education and Sports Department, Mantralaya, Mumbai.

3. It is stated in paragraph no.2 of the affidavit-in-reply that the deponent tenders unconditional apology for the delay caused in compliance of the order and the delay caused is unintentional and due to procedural compliances required for approval of 793 posts from 1.3.2014. The apology tendered to this Court is accepted subject to the assurance of respondent no.1 to this Court that henceforth, due care and caution will be taken in Court matters and the instructions would be submitted to the office of the Government Pleader, as early as possible so as to facilitate the office of the Government Pleader to prepare appropriate drafts of the affidavit-in-replies.

4. Coming to the core issue i.e. compliance of the order of this Court, the affidavit-in-reply refers to a Government Resolution dated 26.11.2019 and letter dated 26.11.2019. Perusal of the Government Resolution dated 26.11.2019 and the letter show that the State Government agreed to disburse the amount of unpaid salary for the period 2014-2015. On this point, learned Counsel Mr Munde appearing for the petitioners raises an objection to the effect that salary of some petitioners is not paid from year 2012 or year 2013 and the Government Resolution and the communication dated 26.11.2019 only refer to the salary amount unpaid for year 2014-2015. We are unable to accept the submissions of learned Counsel for two reasons. Firstly, accepting these submissions is leading to expanding the scope of the Contempt Petition, which is not permissible for this Court and secondly, the order dated 20.2.2018 clearly refers to the entitlement of the petitioners on the backdrop of the proposal submitted to the Secretary, School Education and Sports Department through the Deputy Director of Education. The

Government Resolution dated 26.11.2019 makes a reference to the proposal along with the posts in each of the districts in a tabular statement and this statement in tabular form refers the date for consideration as 1.3.2014. The Government Resolution dated 26.11.2019 also refers to the issue of payment of salary from March 2014. The letter dated 26.11.2019 issued to the Director of Education (Primary) Maharashtra State, Pune and Chief Executive Officer, Zilla Parishad, Beed specifically states that the salary be paid for the period March 2014 to November 2015, from the finances made available to the Zilla Parishad from the Government grants and it would be the entire responsibility of the Chief Executive Officer of Zilla Parishad for disbursing the amount on an assurance that none of the teachers had already received payment of salary. As there was no stipulation of period in communication dated 26.11.2019, an apprehension was expressed by the learned Counsel for the petitioners that the Chief Executive Officer, Zilla Parishad, Beed may not release/disburse the amount expeditiously.

5. Considering this apprehension, we have called upon the learned Counsel appearing for Zilla Parishad, Beed to make a statement in respect of stipulation of period. Accordingly, the learned Counsel placed on record the copy of mail dated 3.12.2019 addressed to the learned Counsel, wherein a statement is made that the exercise is already initiated and it may take period of one month to complete the exercise of payment of salary.

6. Considering this statement as an undertaking to this Court, we direct the Chief Executive Officer, Zilla Parishad, Beed to complete the

exercise within one month from today by releasing/disbursing the amount of salary to the petitioners, for the period March-2014 to November-2015.

7. With these observations and directions, the Contempt Petitions are disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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