

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

**CONTEMPT PETITION NO.785 OF 2019
IN
WRIT PETITION NO.1946 OF 2014**

Swapnaja w/o Vidyasagar Dravid
@ Alka d/o Purshottam Kalaskar
Age: 64 years, Occ: Retired,
R/o. Parimal, Saraswati Colony,
near Canal, Shrirampur,
Dist. Ahmednagar

PETITIONER

VERSUS

Dilip Pandharinath Thore
Age: Major, Occ: Service,
The Education Officer (Secondary),
Zilla Parishad, Ahmednagar

RESPONDENT

Mr Vinod P. Patil, Advocate for the petitioner;
Mr S.S. Dande, A.G.P. for respondent-State;

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

DATED : 28th NOVEMBER, 2019

ORAL ORDER:

Heard Mr Patil, learned Counsel for the petitioner at length.

2. The learned Counsel for the petitioner submitted that the order of this Court dated 22nd March, 2019 in Writ Petition No. 1946 of 2014 is not complied with. As such, respondent authorities have committed a breach of the order of this

court and they be dealt with accordingly.

3. The other submission of the learned Counsel for the petitioner is that the Division Bench of this Court was pleased to refer to the judicial decision in the matter of ***Mukund s/o Bapurao Dhadkar Vs. State of Maharashtra & ors., Mukul, 2016(3) Mh.L.J.282***, and also the matter and the decision in the matter of ***Jayshree wd/o Narayan Mhaske Vs. State of Maharashtra and ors. 2005(3) Mh.L.J.492***. It is also the submission of learned Counsel for the petitioner that the contentions raised in opposing the petition are also referred to in the order and as such, the respondent No.3 – Education Officer (Secondary), Zilla Parishad, Ahmednagar, was duty bound to disburse the amount of pensionary benefits as soon as the proposal dated 29th August, 2018 is received by him.

4. The submission of the learned Counsel for the petitioner looks very attractive at the first blush, but, on perusal of the order of this Court dated 22nd March, 2019, we are unable to accept the submission of the learned Counsel for the petitioner and further to entertain the contempt petition.

5. Learned Counsel for the petitioner though made submission before us that the judicial decisions were referred to in the order and contentions opposing the petition are also referred to in the order and true it is, but then by making a reference to these things, ultimately the petition is allowed in terms of Prayer Clause (B) by

making rule absolute. Now, on the backdrop of this conclusive decision of allowing the petition in terms of prayer clause (B), it would be necessary for us to reproduce Prayer Clause (B) of the petition, which reads thus:

"(B) This Hon'ble Court by way of writ, order of directions in the like nature be pleased to direct the respondent No.5 Head Master, K.J.Somaya High School, Shrirampur, Dist.Ahmednagar to prepare the pension papers and forward the same to the Education Officer (Secondary), Zilla Parishad, Ahmednagar."

6. This prayer is allowed by this Court. Wherein there is no even a remote reference seeking direction further to the Education Officer to decide the proposal received by him being forwarded by the Head Master. If the petitioner for the reasons best known to him failed to make appropriate prayer and the prayer was only a limited one, whereby a direction was sought for to respondent No.5 – Headmaster, K.J.Somaya High School, Shrirampur, Dist.Ahmednagar to prepare pension papers and forward the same to the Education Officer (Secondary), Zilla Parishad, Ahmednagar and in turn, respondent No. 5 who accordingly submitted the pension papers alongwith the proposal to the Education Officer (Secondary), Zilla Parishad, Ahmednagar on 29th August, 2019, we find absolutely no reason to expand the scope of this contempt petition and add something which was neither in the prayer which was granted by this Court nor any directions to that effect in the order of this Court

dated 22nd March, 2019.

7. In this fact situation, the submission of the learned Counsel for the petitioner that the Education Officer was duty bound in view of the order of this Court and has committed a breach of the order of this Court, is clearly unacceptable. It can safely be said that while considering the contempt petitions, this Court can only concentrate on the issue of, whether there is a willful disobedience of the order of this Court and certainly cannot expand the scope of contempt petitions, so as to consider the contempt petition as if the basic writ petition to be decided on its own merits. This being our opinion, we see no reason prompting us to entertain the contempt petition. As such, the only conclusion which can be drawn is that the contempt petition is thoroughly meritless and deserves to be dismissed at the threshold and the same is accordingly dismissed.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE,J.]

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