

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

**CONTEMPT PETITION NO.525 OF 2019
IN
WRIT PETITION NO.8995 OF 2015**

Prabhu s/o Keshav Chochande,
Age: 50 years, Occ: Service as
Assistant Teacher, R/o. At Post Yerol,
Tq. Shuirur Anantpal, Dist. Latur

PETITIONER

VERSUS

1. Mr. Vaijinath Khadke,
Dy. Director of Education,
Gandhi Chowk, Latur
2. Mr. Audumbar Ukirde,
The Education Officer,
(Secondary), Zilla Parishad,
Tq. and Dist. Latur
3. Mr. Chandrashekhar Gurunath Chinchole
The Incharge Head Master
Chatrapati Shivaji Vidyalaya
At Bombali, Tq. Deoni,
Dist. Latur
4. Mr. Dharmaji Girjappa Sonkawde,
The President,
Gramin Shikshan Prasarak Mandal,
Valandi, Tq. Deoni, Dist. Latur

RESPONDENTS

Mr Avinash R. Borulkar, Advocate for petitioner;
Mr S.P. Sonpawale, A.G.P. for respondent No.1;

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATED : 24th SEPTEMBER, 2019

ORAL ORDER:

Heard learned Counsel appearing for the petitioner.

2. On grievance of non compliance of the order of this Court, simple notice was issued to respondent Nos.1 and 2 by this Court vide order 1st August, 2019. In response to the notice, affidavit in replies are filed by the respective respondents.

3. On 10th October, 2016 the Division Bench of this Court permitted the petitioner to approach the Deputy Director of Education with regard to his grievance about the pay scale so also the seniority and in turn, the Deputy Director of Education was directed to decide the

representation by giving an opportunity of hearing to the parties.

4. Perusal of the affidavit in reply clearly shows that the Deputy Director of Education complied with the order passed by this Court in letter and spirit. The Deputy Director of Education by giving an opportunity of hearing to all the parties decided the representation.

5. The documents placed on record along with affidavit in reply filed on behalf of respondent No. 1 through Vaijinath Kondiba Khandke, working as Deputy Director of Education, Aurangabad firstly show that notice of hearing was scheduled on 30th December, 2016 at 2.30 p.m. in the office of Deputy Director of Education. The documents placed on record also shows the appearance of the parties for hearing and then order dated 10th April, 2017 shows that the parties were heard at length by the Deputy Director of Education. Representation of

the petitioner was for grant of higher pay scale to the higher post and promotion to the post of Headmaster.

6. The Deputy Director of Education in order dated 10th April, 2017 referred to roster point and as the post of headmaster was available to candidate belonging to scheduled tribe category and the petitioner admittedly was not belonging to scheduled tribe category, consequently he was held to be not entitled to be promoted to the post of headmaster. As the petitioner was not entitled to be promoted to the post of headmaster, there was no question of granting any higher pay scale to the petitioner and release of amount to the petitioner.

7. Insofar as issue of approval is concerned, the Deputy Director of Education in the order referred to date of initial appointment of the petitioner i.e. 10th June, 1991 and also date of approval granted to the petitioner i.e. 26th June, 1995. This direction is

issued to the Education Officer to seek personal approval to the post occupied by the petitioner for the period from 10th June, 1991 to 26th June, 1995 and the Education Officer was further directed to take appropriate steps on the proposal being submitted by the management. By clause-3 of the order, the Education Officer (Secondary) was directed to submit joint list of seniority from institution and the institution was directed to submit necessary proposal. By clause-4 of the order, head master of the school was directed to submit the proposal of selection grade and senior grade of the petitioner to the Education Officer (Secondary) and in turn, the Education Officer (Secondary) was directed to take appropriate decision.

8. In case, the proposal is submitted to the Education Officer (Secondary), Zilla Parishad, Latur by the management for selection grade or higher grade scale, the said authority to take decision on the proposal expeditiously.

9. Considering the detailed order passed by the Deputy Director of Education, Latur Division, Latur, we can safely state that the order passed by this Court is duly complied with. Nothing survives in the present contempt petition, as such, same stands disposed of.

[AVINASH G. GHAROTE, J.]

[PRASANNA B. VARALE, J.]