

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

**CIVIL APPLICATION NO.14612 OF 2019
IN
CONTEMPT PETITION NO.651 OF 2019**

Murlidhar s/o Gangadhar Deshmukh,
Age: 58 years, Occ: Service,
R/o. C/o. Dnyandeo Mohekar Mahavidyalaya
Kalamb, Taluka Kalamb,
District Osmanabad

APPLICANT

VERSUS

The State of Maharashtra
Through its Principal Secretary,
Higher Education Department,
Mantralaya, Mumbai & ors

RESPONDENTS

Mr H.A. Joshi, Advocate for applicant;
Mrs M.A. Deshpande, A.G.P. for respondent/State;
Mr A.R. Tapse, Advocate h/f Mr P.D. Suryawanshi, Advocate
for respondent No.4
Mr S.A. Nagarsoge, Advocate h/f Mr D.B. Chavan, Advocate
for respondent No.5;

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

DATED : 11th DECEMBER, 2019

ORAL ORDER:

Heard learned Counsel appearing for the
applicant.

2. By way of present application, the applicant prays for intervention in the contempt petition. Learned Counsel for the applicant vehemently submitted that by order dated 13th February, 2018, directions were issued to the Joint Director to decide the proposal submitted to him claiming seniority.

3. Perusal of the order dated 13th February, 2019 shows that without entering into the merit, this Court directed the competent authority i.e. Joint Director that if the proposal is submitted to him, he shall decide the same on merits by affording an opportunity of hearing to the parties. The submission of learned Counsel for the applicant is that the applicant is senior to the petitioner and though hearing was scheduled, no real opportunity of hearing was granted to the present applicant.

4. All these submissions for seeking intervention

are beyond the scope of contempt petition. For any independent right or claim, the applicant can certainly approach the competent authority and in case, the same is decided without considering seniority of the applicant, the applicant can raise a challenge to such an order. But, certainly these issues are not to be decided in the contempt petition for a simple and primary reason that while deciding the contempt petition, the Court only concentrates on the issue as to whether there is a willful disobedience of the order of the Court as alleged in the contempt petition. Thus, in this matter permitting the applicant to intervene is not only stretching the scope of contempt petition too far but entering into arena which is prohibitory area.

5. On the touchstone of above principle, we are unable to find any reason permitting us to entertain the present application and permit the applicant to intervene in the contempt petition. The application, thus, being thoroughly meritless, deserves to be dismissed and same

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is accordingly dismissed.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]

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