

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION (ST) NO.1250 OF 2018 IN
WRIT PETITION NO.7302 of 2016**

Shri Chavan Dattajirao Namdeo ... Petitioner

v/s.

1. Mr. Mahesh Jagannath Chothe &
State of Maharashtra & ors. ... Respondents

Mr. Nagesh Y. Chavan for the petitioner.

Mrs. Shruti D. Vyas 'B' panel Counsel for respondents 1 & 2-State.

**CORAM : B.R. GAVAI &
DAMA SESHADRI NAIDU, JJ**

9th April 2019.

P.C.

In response to the directions issued earlier, Shri Mahesh Jagannath Chothe, the Education Officer (Secondary) is personally present in the Court. Vide our order dated 22nd June 2017 we have specifically directed the Education officer to make payment of salary in pursuance to order dated 20th December 2012 within a period of three months from the said date.

2. We have further directed that if the post was not available with respondent nos. 5 and 6, the petitioner should be absorbed in some other school.

3. In the affidavit-in-reply filed by the Education Officer, it is stated that though the petitioner was accommodated in the respondent management school, however, his salary could not be paid as he did not possess the Shalarth-ID. Certain explanation is sought to be given in the affidavit-in-reply as to why there was delay in implementation of the order.

4. We find that the explanation given in the affidavit is nothing else but lame. When a specific period of three months was given to respondent-Education officer, he ought to have ensured that compliance was made within the prescribed period. If for some reason it was not possible then the only option was to make an application for post of extension of time, nothing of that sort has been done.

5. We could have very well held the respondent no.3 to be guilty of contempt, however, he has made a statement in the affidavit that he is making every effort possible to ensure that payment of salary is made to the petitioner. We are, therefore, inclined to grant him two weeks

further time by way of last chance.

6. It is clarified that the excuse that he is busy in election duty would not be heard by us, if the amount to which petitioner is entitled is not paid within a period of two weeks from today. If the Education Officer so desires, he can always bring this order to the notice of the Returning Officer.

7. Stand over to 26th April 2019 at 11.00 a.m.

(DAMA SESHADRI NAIDU, J)

(B.R.GAVAI, J)

L.S. Panjwani, P.S.