

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1283 OF 2020
IN
CONTEMPT PETITION NO.366 OF 2017
IN
WRIT PETITION NO.6222 OF 2016

WITH

CIVIL APPLICATION NO.1284 OF 2020
IN
CONTEMPT PETITION NO.366 OF 2017
IN
WRIT PETITION NO.6222 OF 2016

Sikandar Gafoorbhai Tamboli ... Applicant

VERSUS

The State of Maharashtra and anr. ... Respondents

....

Mr. Nitin K. Chaudhari, Advocate for the Applicant.
Mr. S.P. Sonpawle, Advocate for the Respondent-State.

....

CORAM : PRASANNA B. VARALE AND
R.G. AVACHAT, JJ

DATED : 05th FEBRUARY, 2020

PER COURT:-

. These civil applications are filed by the
petitioner with a prayer to add paragraphs in the
contempt petition i.e. 6A and 6B, and 15-A to 15-J.

2. It is the submission of learned counsel for the petitioner that the subsequent events occurred in the matter post issuance of the notice by this Court prompted the petitioner to file these applications with a prayer for addition of paragraphs so that these events can be brought to the notice of this Court and these events only further the case of the petitioner that till the date, there is no compliance of the order of this Court. It is submitted that initially Mr. Gajanan Susar who was discharging the duties of Education Officer (Secondary), Education Department, Zilla Parishad, Aurangabad was made a party to the petition and the grievance was raised that though the decision of this Court brought to the notice of the then Education Officer Mr. Susar, no action was initiated. It is submitted that subsequently Mr. Susar was transferred from Aurangabad and in his place Mr. B.B. Chavan is holding the position as Education Officer. It is further submitted by Mr. Chaudhari that Mr. Chavan, the Education Officer (Secondary) though started the exercise of deciding the representation in view of the order of this Court and called upon the parties for hearing, the management and more particularly respondent no.4, who is working as Head Mistress in the Urdu High School, Hattasingpura,

Aurangabad being run by respondent – management, is paying no heed to the directions of the Education Officer, nor attending the hearing. Thus, non responsive approach of respondent no.4 – Shaikh Ruksana Abdul Gani, Head Mistress of the Urdu High School leads to deprival of the benefits to the petitioner. It is also submitted that the Education Officer issued directions for stopping the salary of respondent no.4 – Head Mistress, but there was no change in the non responsive approach of respondent no.4 – Head Mistress.

3. Considering the fact that the Writ Petition No.6222/2016 filed by the petitioner was disposed of with a direction on the backdrop of the fact that the grievance raised in the petition was of failure to pay the unpaid salary and other dues of the petitioner and in spite of the order of this Court passed in the year 2016, till date i.e. even after four years, the representation is pending for decision, we deem it appropriate to direct the respondent no.2 – Education Officer (Secondary) to file an affidavit in reply indicating the steps taken by him. It may not be out of place to state that if the respondent no.4 – Head Mistress is not paying any heed to the directions of the Education Officer even after stopping her salary,

the Education Officer (Secondary) is not prevented from taking other steps such as stopping of non salary grants to the society. Considering the fact that the school wherein the petitioner was earlier working and subsequently transferred to Urdu High School (Girls), Roshan Gate, Aurangabad are aided schools, the Education Officer (Secondary) also to make a statement to that effect in the affidavit in reply. Affidavit be filed within one week from today.

4. Applications are allowed in terms of prayer clause 'A' in respective application. Amendment to be carried out on or before 10th February, 2020.

5. Authenticated copy be supplied to the learned A.G.P.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

SPR