

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

**CONTEMPT PETITION NO.633 OF 2017  
IN  
CONTEMPT PETITION NO.316 OF 2017  
IN  
WRIT PETITION NO.8885 OF 2015**

Khandu s/o. Narayan Sonawane,  
Age : 42 years, Occ. Service,  
r/o. Plot No.12, Minai Colony,  
Mahindale, Sakri Road,  
Dhule

..Petitioner

Vs.

Mohan Shashikant Desle,  
Age : Major, Occ. Service  
i.e. Education Officer (Primary),  
Zilla Parishad, Dhule,  
Near Collector Office,  
Jaishankar Nagar, Dhule

..Respondent

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Mr. Sachin Deshmukh, Advocate for petitioner  
Mr. R.S.Pawar, Advocate for respondent

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**CORAM : PRASANNA B. VARALE  
AND**

**R.G. AVACHAT, JJ.**

**DATE : FEBRUARY 10, 2020**

**PER COURT :-**

Heard Mr.Deshmukh, learned Counsel for the  
petitioner and Mr.Pawar, learned Counsel for the  
respondent, at length.

2. Mr.Deshmukh, learned Counsel for the petitioner, by inviting our attention to the orders of this Court dated 20.10.2016 and 16.11.2016 in Writ Petition No.8885 of 2015, vehemently submits that said orders are not duly complied with. He submits that the post being occupied by the petitioner is permanent. This Court, by order dated 20.10.2016, directed the Education Officer to undertake an exercise of quantification of salary of the petitioner, to which he is entitled.

3. Mr.Deshmukh further submits that by order dated 16.11.2016, this Court had recorded the submissions of the petitioner, that on completion of of two years of service, the petitioner acquired the status of permanency. On reduction of strength of the students, he was declared surplus by the authority. By order dated 03.06.2014, the authority directed absorption of the petitioner in Shantai Education Society, Pimpalner. However, said

Institution did not allow the petitioner to join and subsequently, the petitioner was allowed to join on 25.10.2016. It was observed by this Court that said grievance of the petitioner did not survive. However, the respondents did not pay salary to the petitioner since July, 2013. This Court, by reiterating its earlier order dated 20.10.2016, had put a stipulation of period for the Education Officer to consider quantification of salary of the petitioner.

4. Though Mr.Deshmukh submits that the above-mentioned orders of this Court have not been complied with, we are unable to accept the same in view of the statements made in the affidavit-in-reply filed on behalf of respondent no.2 – Education Officer, for more than one reasons. Firstly, in the very order dated 16.11.2016, this Court had permitted the petitioner to raise his grievance insofar as the quantum of salary being fixed by the Education Officer. On the backdrop of this observation, it may

be useful for our purpose to refer to the statements made in the affidavit-in-reply by the Education Officer. The Education Officer stated in the affidavit that the exercise of quantification of salary of the petitioner was undertaken. The petitioner has been paid salary for the months of January and February, 2017 and since then, the he is getting salary regularly.

5. It is also stated by the Education Officer in the affidavit, that the earlier period of service of the petitioner was not with the Zilla Parishad and admittedly, during that period, the petitioner was working in a private school. It is further stated in the affidavit that way back in the year 2006, the State Government, by its order dated 06.02.2006, reduced the sanctioned posts of the school, wherein the petitioner was earlier working and that order is the subject matter of Writ Petition No.5117 of 2017, which is pending in this Court. It is further stated by the Education Officer that there are serious and

deliberate misdeeds in the school's management, wherein the petitioner is earlier working and the burden of the wrongdoings in that school, cannot be put on Zilla Parishad.

6. In our view, there is merit in the statement made by the Education Officer, that if some misdeeds were committed by the management of the school wherein the petitioner was previously working, the petitioner cannot just wash his hands off and say that even if the management of school has committed some misdeeds, the financial burden thereof may be put on the Zilla Parishad.

7. There is a writ large fallacy in the submissions made on behalf the petitioner and this Court cannot make the Zilla Parishad, which is under the control of the State Government, to bear the financial burden on account of the misdeeds committed by the management of the school.

8. The petitioner, who had been granted liberty to raise his grievance insofar as the quantum of salary, can raise his grievance of non-payment of salary by a private management or Institution, before an appropriate forum, if so advised.

9. In the above-referred fact situation, we see no reason to entertain present Contempt Petition. As such, the Contempt Petition is dismissed.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

kbp