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

**CONTEMPT PETITION NO.26 OF 2020
IN
WRIT PETITION NO.4130 OF 2018**

Kalpana Valmik Shirsath,
Age: 46 years, Occu.Nil,
R/o. C/o. B. N. Shinde,
Plot No.78, S. N.156/6,
Surewadi, Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary
General Administration Department,
Mantralaya, Mumbai-32

2. Shri Shivraj Patil,
The Chief Executive Officer,
Zilla Parishad, Ahmednagar

..RESPONDENTS

Mr A. G. Ambetkar, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondent/State

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

DATE : 7th January, 2020

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. The grievance of the petitioner is, as the order dated 26th June, 2018, passed by the Division Bench of this Court is not complied with, the respondents have committed an act of breach of the order of this

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Court and as such, the action be initiated against them for committing contempt of this Court.

3. On perusal of the documents placed on record, what emerges is, the petition is filed on mis-reading of the order dated 3rd December, 2019, issued by Chief Executive Officer, Zilla Parishad, Ahmednagar.

4. The petitioner was before this Court by filing Writ Petition No. 4130 of 2018, raising a grievance that though she was in queue for appointment on compassionate ground, on an erroneous reason, her claim was not considered, whereas the person next to her was appointed. On the backdrop of the submissions of the petitioner and the counter submissions of the respondents, the Division Bench of this Court was pleased to observe that the rejection of the claim of the petitioner was only because of communication gap and the petition is disposed of with a direction to the respondent to consider the case of the petitioner for appointment on compassionate ground and further it is stated in the order that the claim of petitioner shall not be rejected only on the ground that the petitioner has subsequently crossed 45 years of age. The Division Bench also specifically stated that the order passed by the Division Bench is on a consideration of peculiar facts of the case.

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5. Though the respondent – Zilla Parishad made an attempt to seek review of the order of Division Bench, by an order dated 15th March, 2019, Review Application (Stamp) No.23655 of 2018 was disposed of.

6. The documents placed on record further show that in view of the order of this Court, a fresh waiting list was prepared by office of the Chief Executive Officer, Zilla Parishad, Ahmednagar and the petitioner was placed at serial No.1. The waiting list - Exhibit 'D' is the annexure referring the petitioner at Sr.No.1 in the wait list and this waiting list is prepared till end of June 2019.

7. Though it is the submission of learned Counsel for the petitioner that the order passed by the Chief Executive Officer, Zilla Parishad, dated 3rd December, 2019 runs contrary to the order of this Court, perusal of the said order dated 3rd December, 2019, of which the copy is placed on record at Exhibit 'E' clearly shows that the claim of petitioner was considered on merit. The Zilla Parishad initiated the process of assessing the claim of candidates and on finding that the petitioner cannot be appointed on compassionate ground as the petitioner is lacking in the academic qualifications and there were other candidates, who were above the petitioner in the total list of the

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candidates to be considered for the appointment on compassionate ground. As such, the claim of the petitioner could not be positively considered by the respondent – Zilla Parishad.

8. The aforesaid being the position, in our opinion no case is made out to entertain the present contempt petition. The contempt petition, thus, being devoid of merits, deserves to be dismissed at the threshold and same is accordingly dismissed.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

sjk