

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMP PETITION NO.101/2018

IN

WRIT PETITION NO.5884/2016

Nandkumar Vishwasrao Shelke Vs. Rohit Bahu-Uddeshiya Sewa and Vikas Sanstha
and another.

WITH

CONTEMP PETITION NO.102/2018

IN

WRIT PETITION NO.7013/2016

Sanjay Bapurao Naukarkar Vs. Rohit Bahu-Uddeshiya Sewa and Vikas Sanstha and
another.

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri P. D. Randive Advocate for the petitioner.
Shri S. A. Radke, Advocate for respondent Nos.1 and 2.

**CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**
DATED : 26th FEBRUARY, 2020.

. Undisputedly, the common judgment and order dated 17.01.2018 passed by this Court in Writ Petition No.5884 of 2016 and 7013 of 2016 has not been complied with. The Management was directed to pay 80% of the salary of the petitioners for the period from February, 2017 till date of the delivery of the judgment. This has not been done, and therefore, the present Contempt Petition was filed. We had issued notice to the respondents.

2] In response to the notice, the affidavit is filed by the respondents stating in paragraphs 5 and 6 as under.

“5. It is submitted that the management has already taken a resolution regarding to

*close down the school. True copy of the resolution dated 8.2.2020. It is submitted that the management has also sent a letter for obtaining permission under section 26-A of MEPS Act to the Deputy Director of Education, Nagpur for close down the school. True copy of the letter dated 18.2.2020 and the Resolution dated 8.2.2020 along with relevant documents are filed herewith Collectively and marked as **Annexure R-1**.*

6. It is submitted that after granting permission by the Deputy Director of Education Department, Nagpur the management has decided to sale the entire property including the land and other property of the school to sale the same and by giving undertaking after receiving the amount/money same will be paid to the petitioner because of the management is not in a position to pay the entire amount at this stage because they have no any income source as already pointed out above.”

3] In view of the aforesaid position, we do not find that the case is made out for taking cognizance of the contempt. We leave it open for the petitioners to get executed the judgment and order delivered by this Court as a decree of the Court.

4] All questions are left open.

5] Contempt Petition is dismissed.

JUDGE

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