

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

CONTEMPT PETITION NO.296/2019

IN

WRIT PETITION NO.5560/2017

(Upper Wardha Prkalpgrast Welfare Society Vs. State of Maharashtra and another)

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

Court's or Judge's orders.

Ms. Pooja Agrawal, Advocate for Petitioner.
Shri K. L. Dharmadhikar, Assistant Government Pleader for Respondent
No.1 and 2.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 4th FEBRUARY, 2020.

1] We have heard the learned Advocate for the petitioner as well as the learned Assistant Government Pleader. We have perused the order dated 26.09.2018 passed by this Court in Writ Petition No.5560 of 2017. We find that this Court had observed in paragraph No.4, 5, 6, 7, and 8 as under.

“4. Respondents have given no objection insofar as recruitment to the post of Peon on compassionate ground is concerned. Hence petitioner can fill in that post on compassionate ground.

5. Insofar as post of Clerk is concerned, according to the respondents, because of 2015 policy decision, the staff strength is being redetermined and hence, ban on recruitment imposed on 30.6.2011 continues further.

6. Here, we find that in year 2015-16 and 2016-17, there were about 100 students taking education in 11th and 12th Standards. The school has sanctioned strength of eight Assistant Teachers and one Physical Education Teacher. It has only one sanctioned post of Peon and one sanctioned post of Clerk.

7. Considering this size of establishment, it is apparent that exercise of redetermination undertaken by the respondents cannot have any effect on the establishment of petitioner. Minimum one post of Clerk may be required to be sanctioned to it in any case.

8. We therefore directs respondents to look into this situation and to pass suitable orders on post of Clerk within six weeks from today.”

2] We therefore notice a specific direction given by this Court to the respondents to look into the situation and pass suitable orders as regards the post of clerk within six weeks from today.

3] The learned Assistant Government Pleader places before us the hearing conducted by the concerned Authority on 12.04.2019 and the order in continuation therewith, vide which, the Deputy Director of Education, Nagpur Division, Nagpur, has rejected the proposal for sanctioning the post of a clerk. This was in connection with Swargwasi Watsalabai Gohad Kanishtha Mahavidyalaya, Talegaon (S.P.), Taluka Ashthi, District Wardha.

4] No doubt the order dated 12.04.2019 with the communication to the petitioner dated 27.07.2019 placed before us (marked as 'X' for identification) is after a slight delay, but the learned Assistant Government Pleader tenders an apology on behalf of the respondents for the said delay caused.

5] Considering the above, we find that the petitioner will have to challenge the said decision through a proper petition. There does not appear to be a willful, intentional or deliberate disobedience of the order of this Court.

6] This Contempt Petition is therefore dismissed.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)