

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

CONTEMPT PETITION NO.287 OF 2019

(Mrs. Panchsheela w/o Lekhraj Meshram Vs. Shiv Vidya Prasarak Shikshan Sanstha,
 thr. its Chief Secretary/Secretary Shri Subhash Murlidhar Manchalwar and others)

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

Court's or Judge's orders.

 Shri L.R. Meshram, Advocate for Petitioner.
 Shri S.N. Mahajan, Advocate for Respondent No.2.
 Shri N.M. Kolhe, Advocate for Respondent No.3.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 8th JANUARY, 2020.

1] This contempt petition under the Contempt of Courts Act is filed on account of the failure of the management in not granting back-wages to the petitioner as was directed by the School Tribunal, Nagpur. Appeal No.12/2019 filed by the petitioner was allowed by judgment dated 18.06.2019 delivered by the School Tribunal. Reinstatement with full back-wages and continuity in service under Section 11(3) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 ("MEPS Act") was ordered.

2] The management reinstated the petitioner and immediately placed him under suspension. The said suspension has been independently challenged by the petitioner before the learned Division Bench of this Court. Grievance is that back-wages have not been paid.

3] The petitioner relies upon the judgment

delivered by the learned Single Judge of this Court in the matter *Vilas Shankarrao Deshmukh and another v. S.A. Ghode, Principal, Navprabhat Vidya Mandira and Junior College, Thanegaon and others* reported in 2001(1) Mh.L.J. 261.

4] It cannot be ignored that the MEPS Act is a special code and Section 13 specifically provides for the execution of the judgments and orders of the School Tribunal. It is settled that when effective execution proceedings are prescribed for seeking execution of judgments and orders, a contempt petition would not be maintainable. In the case of Vilas Shankarrao Deshmukh (*supra*), this Court had issued direction for laying down the procedure to be adopted for providing compliance of orders of the Tribunal. Section 13 is an effective mode of seeking execution of the judgment of the School Tribunal.

5] In view of the above, this petition is disposed off. It is however, made clear that the dismissal of this petition would not be an impediment for the petitioner to seek execution of the judgment of the School Tribunal and the time spent by the petitioner in this Court from 24.09.2019 till the passing of this order shall be excused.

(Ravindra V. Ghuge, J.)