

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

CONTEMPT PETITION NO.311/2017

Ku. Malti Bisan Ilme

..V/s..

Shri Umakant S/o Tukaram Marjive

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

Court's or Judge's orders

Shri A.Z. Jibhkate, Advocate for the petitioner.
Shri P.A. Gode, Advocate for respondent No.1.
Shri A.A. Madiwale, A.G.P. for respondent No.2.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] This contempt petition is filed with reference to the judgment of the School Tribunal dated 7.4.2017 delivered under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

2] I have briefly heard the learned Advocates for the respective sides.

3] It is settled law that when a special Enactment provides for execution proceedings, a petition under the Contempt of Courts Act in the High Court is not to be entertained. Section 13 of the MEPS Act is a sufficient remedy for the appellant to seek execution of the judgment of the School Tribunal.

4] The said judgment of the School Tribunal dated 7.4.2017, is subject matter of Writ Petition No.4472/2017 preferred by the Management. This Court has stayed the payment of back-wages on the condition that the appellant would be reinstated in service. It is also directed that the monthly salary of the appellant shall be paid on regular basis.

5] The learned Advocate for the petitioner submits that the monthly salary of the appellant is not being paid regularly.

6] The learned Advocate for the Management submits that the salary bills of the appellant are regularly forwarded to the Education Department and the said bills are sanctioned. There is no grievance about the payment of such monthly salary.

7] I find that the petitioner has preferred this contempt petition on 6.12.2017 when the judgment of the School Tribunal was in force. Subsequently, this Court has passed the order dated 19.9.2018 staying the said judgment to the extent of the payment of back-wages.

8] As such, the scope of this contempt petition cannot be expanded to include even an order passed by this Court on 19.9.2018 in Writ Petition No.4472/2017. Nevertheless, the learned Advocate for the respondent

submits that the petitioner is regularly working and she is being paid her monthly salary for the work performed.

9] As such, this petition is **disposed off**. No costs.

(RAVINDRA V. GHUGE, J.)

Tambaskar.