

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

**Contempt Petition (CP) No. 225/2018**

**IN**

**Writ Petition (WP) No. 5393/2016 (D)**

*Santosh s/o. Sharadprasad Mishra and ors.*

*..VS..*

*Shri Chandansingh Rathod, Deputy Director of Education, Amravati and anr.*

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Shri Anand Parchure, Advocate for the petitioners  
Ms. Sangeeta Jachak, AGP for the respondents/State

**CORAM : A. S. CHANDURKAR AND**  
**G.A. SANAP, JJ.**

**DATED : 28/09/2021**

The grievance of petitioners is non-compliance of the directions issued in Writ Petition No. 5393/2016 on 20.03.2017. By the said order, the Deputy Director of Education was directed to conduct an inquiry and ascertain as to when the number of students in the schools where the petitioners were serving, had increased to 1000 so as to consider their entitlement to the benefit of fitment on the post of Librarian.

2. After notice was issued in Contempt Petition, an affidavit was filed on behalf of the Additional Chief Secretary on 09.08.2021, in which a reference was made to Government Resolution dated 01.09.2018 and the stand taken was that a common seniority list of Part Time

Librarians in the State was to be prepared after which a decision as regards the petitioners entitlement was to be taken. When the fact that writ petition was allowed on 20.03.2017 and the entitlement could not be on the basis of any subsequent Government Resolution was put to the respondent no. 2, a fresh affidavit has been filed today. It has been now stated that in the backdrop of Government Resolution dated 03.08.2006, the entitlement of petitioners for upgradation to the post of Librarian has been decided on 24.09.2021 and the petitioners have not been found eligible for such upgradation as the number of students was below 1000 prior to 2006.

3. The learned Counsel for the petitioners submits that the application of Government Resolution dated 03.08.2006 in the present case is misplaced and it was not necessary for respondent no. 2 to have applied that Government Resolution.

4. We find that in exercise of contempt jurisdiction, it would not be permissible for us to go into the correctness of the order passed on 24.09.2021. It would be open for the petitioners to raise challenge to the order dated 24.09.2021 and in that regard all points available for challenge can be urged.

5. In the light of the fact that the claim of the petitioners has now been adjudicated, there is no need to keep the present proceeding pending. Accordingly, the

contempt petition is disposed of. Needless to observe that it is open for the petitioners to challenge the order dated 24.09.2021 in appropriate proceedings.

**JUDGE**

**JUDGE**