

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

**CONTEMPT PETITION NO.306/2018 IN
WRIT PETITION NO.6889/2016(D)**

Krushak Education Society Arvi, through its Secretary and anr
Vs.

S.R.Meshram, The Education Officer (Secretary), Zilla Parishad, Wardha.
With

**CONTEMPT PETITION NO.307/2018 IN
WRIT PETITION NO.6886/2016(D)**

Krushak Education Society Arvi, through its Secretary and anr.
Vs.

S.R.Meshram, The Education Officer (Secretary), Zilla Parishad, Wardha.
With

**CONTEMPT PETITION NO.308/2018 IN
WRIT PETITION NO.6888/2016(D)**

Bharat Education Society Arvi, through its Secretary and anr.
Vs.

S.R.Meshram, The Education Officer (Secretary), Zilla Parishad, Wardha.
With

**CONTEMPT PETITION NO.309/2018 IN
WRIT PETITION NO.6887/2016(D)**

Bharat Education Society Arvi, through its Secretary and anr.
Vs.

S.R.Meshram, The Education Officer (Secretary), Zilla Parishad, Wardha.

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

Court's or Judge's Order

Shri S.S.Ghate, Advocate for petitioners.

Mrs. S.S.Jachak, Assistant Government Pleader for respondent.

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

DATED :- September 01, 2021.

The grievance of the petitioners in these contempt petitions is that pursuant to the order dated 12.07.2018 passed in Writ Petition Nos.6886/2016, 6887/2016, 6888/2016 and 6889/2016 a statement was made on behalf of the State of Maharashtra through its Education Officer that the surplus teachers who are competent to shoulder the work load at the petitioners' school as per their requirement would be forwarded. According to the petitioners the requirement was in the subject of 'Mathematics'. Since the aforesaid directions were not complied with, these contempt petitions have been filed.

In the affidavit filed on behalf of the respondent it has been stated that as per the staff justification in the year 2017-18 four surplus teachers eligible to teach 'Mathematics' were available. Out of these four teachers, two were absorbed in the school run by the Management that has filed Contempt Petition Nos. 308/2018 and 309/2018. As regards the other two teachers, they had approached this Court making a grievance with some other regard. Hence the said two teachers were not deputed to the petitioners school. It is thereafter stated in the paragraph 7 that since the teachers as per requirement of the petitioners were not available, it has not been possible to depute such surplus teachers. Hence there is no deliberate breach of any statement made before this Court.

In the subsequent affidavit filed on behalf of the petitioners it has been stated that besides pursuing the present proceedings the Management has sought permission of the Education Officer (Secondary) to fill in the vacant posts in the subject of 'Mathematics' and that application is still under consideration.

We find that in the light of the affidavit filed by the Education Officer (Secondary) that there are no surplus teachers available in the subject of 'Mathematics', it was not possible to forward the names of such teachers to the petitioner's school.

In that view of the matter, we do not find that there has been any deliberate breach of any order passed in the writ petitions. By observing that the petitioners are free to pursue the application seeking permission to fill in the posts in accordance with law, the contempt petitions are disposed of.

JUDGE

JUDGE