

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO.383 OF 2022  
IN  
WRIT PETITION NO.8975 OF 2017**

**SHRI JALNA GUJRATHI SAMAJ EDUCATION SOCIETY  
AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

...  
Advocate for the Petitioners : Shri I.D. Maniyar h/f Shri Panpatte  
V.S.

AGP for the Respondents/ State : Shri P.K. Lakhotiya

...

**CORAM : RAVINDRA V. GHUGE  
&  
ARUN R. PEDNEKER, JJ.**

**DATE :- 01<sup>st</sup> August, 2022**

**Per Court :-**

1. Pursuant to our order dated 21.07.2022, the Education Officer (Secondary) Smt.Mangal Gaikwad-Dhupe is present in the Court. The additional affidavit dated 29.07.2022 has been filed. Though an unconditional apology is tendered, it is pointed out that she was holding the charge of the office of the Education Officer (Secondary) in between 01.07.2019 to 18.11.2019. This was, inadvertently, not mentioned in the

affidavit in reply that she had filed on 19.07.2022.

2. It is then stated that the judgment at issue was uploaded on the official website of the Bombay High Court on 04.11.2019 and she handed over the charge to Shri Mapari on 18.11.2019. Three months' time was granted by this Court for initiating appropriate steps and the said three months would commence from the date of knowledge of the judgment, which is 04.11.2019. It is further pointed out through the additional affidavit that the decision was already taken by the Education Officer (Secondary) Smt.A.B.Garud on 25.06.2020. She was the Education Officer in between 05.03.2020 to 19.09.2021.

3. The learned advocate for the petitioners submits that the order dated 25.06.2020 was never communicated to the petitioners and even today, the copy of the same is not served, except along with the additional affidavit.

4. It is further submitted by the Education Officer that as the petitioner had made the representation and since the staffing pattern was sanctioned by the Director of Education on 07.03.2019, by the communication dated 01.03.2021, the absorption of surplus candidates was also formalized. Thereafter, another order was issued on 21.06.2021 which redressed the

grievance of three persons out of four. Petitioner No.3 could not be accommodated.

5. In view of the above and especially since the judgment of this Court dated 18.09.2019 was uploaded on the official website on 04.11.2019, we are of the view that the said Education Officer Smt.Mangal Gaikwad-Dhupe may not be responsible since she had only 14 days at her disposal from the date of uploading of the judgment.

6. Considering the above, we are of the view that the said Education Officer may not be guilty of disobedience of the judgment of this Court. We, therefore, conclude accordingly. This Contempt Petition is disposed off.

7. Needless to state, our directions in paragraph 9 will have to be complied with by the Chief Executive Officer, Zilla Parishad, Jalna, by taking into account the above recorded factors pertaining to the passing of the order dated 25.06.2020. Consequentially, we find that it would only be Shri N.S.Mapari whose explanation will have to be called for and an appropriate action will have to be taken by the Chief Executive Officer in the light of Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of

Official Duties Act, 2005 as he was in-charge from 19.11.2019 till 04.03.2020, during which period, the order of this Court was not implemented.

*kps*

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)