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

**CONTEMPT PETITION NO.289 OF 2022
IN WP/12512/2021**

**ARUN SURYABHAN DHANAK
VERSUS
SHRI. VIKAS RUSTOGI AND OTHERS**

....

Mr V. S. Panpatte, Advocate for petitioner

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 14th June, 2022

PER COURT:

1. By this petition, the petitioner seeks to contend that the Education Officer (Secondary), respondent No.2, herein, has violated the directions of this Court, set out in paragraph Nos.4, 5, 6 and 7 of order dated 16/11/2021, passed in Writ Petition No.12512/2021.

2. It calls for no debate, that in the contempt proceeding, this Court has to come to a conclusion that the conduct of the respondent is by way of a willful, deliberate and intentional disobedience of the Court's order, with the aim of overbearing the authority and majesty of the Court.

3. We have perused the order dated 27/01/2022. The

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Education Officer has referred to the amended provision under Rule (41-1) and Rule 2(c), by which, a person, who is to be transferred from unaided post to a semi-aided post, must complete 5 years of service. He has, therefore, addressed the Secretary of the Educational Institution for further details, so as to take appropriate steps and pass an appropriate order in pursuance to the observations of this Court in the order dated 16/11/2021 in paragraph Nos.4, 5 and 6, which read as under :-

“4] As the petitioner has already worked on the unaided post for the period of three years and more and his services were approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Education Officer was required to grant approval to him as Assistant Teacher and not as Shikshan Sevak in the light of the judgment of this Court in Writ Petition No.1493 of 2018 with other connected Writ Petitions, dated 04th July, 2019.

5] The Education Officer shall confirm that if the transfer of the petitioner is on 100% grant-in-aid post and if he is convinced that the post is 100% grant-in-aid post, then he shall grant approval to the transfer of the petitioner on 100% grant-in-aid post as Assistant Teacher from the date of his transfer.

6] We have passed this order in view of the fact that the Education Officer has approved transfer of the petitioner on aided post meaning thereby he has considered all other aspects of the matter.”

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4. Considering the above, we do not find that the act of the Education Officer visible in his communication to the Management of the Education Society, dated 27/01/2022, could tantamount to a willful, deliberate and intentional disobedience of our observations/directions.

5. This Contempt Petition is, therefore, dismissed.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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