

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**99 CONT. PETITION NO.482 OF 2022
IN WP/517/2022**

VIJAYSINGH RAMCHANDRA GHOTI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for Petitioners : Mr. V. G. Salgare
AGP for Respondents-State : Mr. S. K. Tambe
...

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

DATE : 12th August, 2022

PER COURT :

1. On 11/01/2022, when Writ Petition No.517 of 2022 filed by the present petitioner was heard by this Court, the submissions of the petitioner were recorded and status-quo was granted on his request. It would be apposite to reproduce the said order hereunder :-

"1) The petitioner is declared surplus on the ground that the petitioner is not qualified to teach science subject.

2) Learned counsel for the petitioner submits that the petitioner possesses qualification of B.Sc. (Math). The petitioner also possesses qualification of M.Sc. B.Ed. And is qualified to

teach science subject. Learned counsel further submits that the petitioner had subject of physics, chemistry and math.

3) Issue notice to the respondents, returnable on 15.02.2022. Learned AGP waives notice for respondent nos.1 to 3.

4) Till next date, status-quo as on today be maintained.”

2. The learned Advocate for the petitioner submits that on the day he was before this Court, though he was declared surplus, he was in employment. He was in the school. Status-quo as directed by the Court should, therefore, be maintained.

3. In contempt proceedings, we cannot take cognisance under the Contempt of Courts Act on assumptions and presumptions. It should appear to us that the contemnor has apparently disobeyed our order and which may amount to a willful, deliberate and intentional disobedience. In the case in hand, the only statement made by the petitioner that has been recorded is that he has been declared surplus. On his request, status-quo was directed to be maintained. Consequentially, he is still under the status of being a surplus teacher.

4. We, therefore, do not find any willful, deliberate or intentional disobedience of our order at the behest of any of the respondents.

5. As such, this petition is dismissed.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.