

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 346 OF 2021**

Sandip Shivajirao Patil

... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Chetan Patil a/w Mr. Mandar Bagkar, for the Petitioner.

Mrs. S. S. Bhende, AGP, for the State.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 5th APRIL, 2022.

P.C.

1. The Affidavit of Respondent No.2-Education Officer is taken on record. In para 5 of the Affidavit, the Education Officer has made a request for withdrawal of order dated 15th November, 2021 passed by him and already communicated to Respondent No.4.

2. We grant permission to the Education Officer to withdraw the order dated 15th November, 2021 as it being completely contrary to the directions issued by this Court in its judgment dated 26th July, 2021, the implementation of which has been sought.

3. In para 6 of the Affidavit, the Education Officer has

stated that judgment of this Court dated 26th July, 2021 shall be complied with by him in its true letter and spirit and fresh decision will be taken in the matter within two weeks.

4. Considering the assurance given by the Education Officer in para 6 of the Affidavit and also considering the fact that this Court has already allowed the Petition in terms of prayer Clause (a), which is reproduced hereinafter, this Court would have to believe in the assurance so given by the Education Officer. For the sake of convenience, prayer Clause (A) of the Writ Petition is reproduced as under:

“A) That this Hon’ble Court be pleased to issue a appropriate writ, order or direction thereby quashing and setting aside the order dated 9th July, 2018 passed by the respondent no. 2 herein Exhibit E hereto and further be pleased to direct respondent no.2 herein to grant approval to the appointment of the petitioner since the date of his appointment i.e. 1st August, 2013 and release the grant in aid for payment of salary of the petitioner since the date of his appointment.”

5. Hoping that now the Education Officer would grant approval to the appointment of the Petitioner since the date of his appointment dated 1st August, 2013 and release the grant in aid for payment of salary of the petitioner since the date of his appointment at the earliest, immediately on the date of receipt of the copy of the order, we dispose of the Contempt

Petition giving liberty to the Petitioner to approach this Court, in case there is again disobedience on the part of the Education Officer.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]

Rekha Patil