

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.148/2021 IN WRIT PETITION NO. 913/2019 (D)
(ARCHANA SHALIKRAM LOKHANDE *VERSUS* CHINTAMAN WANJARI, THE E.O.
(SEC.) Z.P NAGPUR & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.B. Moon, counsel for the petitioner.
Ms N.P. Mehta, A.G.P for the R-1.
Shri S.Zia Quazi, counsel for the R-2.

CORAM : A. S. CHANDURKAR AND SMT. PUSHPA V. GANEDIWALA, JJ.

DATED : 03RD JANUARY, 2022.

The petitioner is aggrieved by the non-compliance of the order passed in Writ Petition No.913 of 2019 dated 27.01.2021. In that writ petition a grievance was made that the salary of the petitioner for the period from April-2018 was not being released by the Education Officer. While disposing of the aforesaid writ petition, the following directions were issued:

“4. The Respondent No.3-School will send salary bill of the Petitioner from 30 November 2020 onwards as well, within a period of two weeks. The Education Officer will process the pay bills and release the salary of the Petitioner.

5. In case, if there is any impediment in releasing the salary of the Petitioner, the Petitioner and Respondent No.3-School be informed in writing by the Education Officer within four weeks. If there is no such impediment, the salary bills be released within a period of four weeks from today.”

Since the salary of the petitioner has not been released the petitioner has filed the present contempt petition.

In the reply filed by the Education Officer it has been stated that on 28.11.2013 the services of about eleven staff members engaged at St.Martin Hindi High School, Borgaon were approved. In that order of approval, it has been stated that with regard to approval granted on no grant basis the responsibility to pay the salary would be that of the Management. Since the petitioner's service has been shown in the no-grant section of the school, it has been stated that the salary of the petitioner has not been released and it is the responsibility of the Management to do so.

Shri A.B. Moon, learned counsel for the petitioner submits that the placement of the petitioner in the order of approval is incorrect and the petitioner should have been shown at Serial Number 5 in that list. If the name of the petitioner would have been shown at Serial Number 5 she would have been entitled to have her salary released by the Education Officer. He has also referred to the additional affidavit filed in that regard.

We find that the directions issued in the writ petition merely require the Education Officer to release the salary of the petitioner if there was no impediment. By filing an affidavit the Education Officer has pointed out the impediment in the form of grant of approval which is conditional in nature. If the petitioner is aggrieved by her placement in the order of approval she would have to challenge the same in appropriate proceedings. Though it is true that the order passed in the writ petition required the Education Officer to inform the same to the petitioner and the Management, it is found that by filing the aforesaid affidavit on record the Education Officer has indicated the impediment that exists. In view of aforesaid we do not find that there is any deliberate breach of the order passed by this Court. If the petitioner is aggrieved by her placement in the order of approval she is free to take such steps as are permissible in law.

The contempt petition is disposed of.

(SMT. PUSHPA V. GANEDIWALA, J.)

(A. S. CHANDURKAR, J.)

APTE