

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CONTEMPT PETITION NO.192 OF 2023

RAMKRUSHNA ZAWARU PATIL
VERSUS
MR.RANJIT SINGH DEOL

...
Advocate for Petitioner : Mr. Tope Sambhaji Subhashrao
Addl. GP for the respondent – State : Mrs. M.A. Deshpande
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 28 MARCH 2023

PC :

Heard both sides.

2. The petitioners were before this Court in writ petition no. 11834 of 2022 and writ petition no. 117 of 2023 aggrieved by the fact that the Commissioner of Education, Pune was not fixing their seniority and further direction to promote them in the cadre of Deputy Education Officer. This Court by order dated 07-02-2023, has issued following directions in paragraph no. 9 and 10 :-

“9. In view of the above, these two petitions are disposed off with a direction to the Principal Secretary, School Education and Sports Department, and the Commissioner of Education, Pune, shall consider the proposal of these petitioners, which were earlier forwarded in 2013 and again in 2022, much prior to the introduction of the 2022 Rules, in accordance with the earlier Rules applicable. Needless to state, the cases of the applicants will also have to be considered simultaneously, as their recommendations have also been effected prior to the introduction of the 2022 Rules. Let the decision be taken by respondent Nos. 1 and 3, on or before 21.02.2023.

10. We are issuing the timeline as above, since our earlier order dated 27.1.2023, directing that an appropriate order should be passed on or before 03.02.2023, has been apparently disobeyed by the Principal Secretary, School Education and Sports Department, and Commissioner of Education, Pune which could have been a ground for initiation of suo motu contempt proceedings. However, we are putting this issue to rest, in view of the above. ”

3. The learned Additional GPtendres across the bar the communication dated 21-02-2023 addressed by the Deputy Director of Education to the Law Officer of the Office of Regional Deputy Director, Aurangabad *inter alia* informing about fixation of seniority lists and recommendation of promotion. She also places on record the further communication dated 17-03-2023 whereby the State Government in the Department of School Education and Sports has informed the Commissioner of Education, Maharashtra State, Pune *inter alia* about fixation of seniority list as per recommendations and the list having been submitted to the General Administration Department with a complete proposal on 20-03-2023. It also specifically mentions about the fact that the names of both these petitioners appear in the select list which is now forwarded for approval.

4. Learned advocate for the petitioner who is one of the two petitioners submits that it is a matter of promotion. The petitioner would be superannuated on 31-03-2023 and any decision taken after such superannuation would be academic.

5. This being a contempt petition, we are only concerned with implementation of the directions of this Court for the time being. We would not be able to comment on the consequences of the order that was supposed to be passed for petitioner's promotion. If he has some remedy available in law, it would be open for him to resort to it .

6. In view of the supervening events, the proposal regarding the petitioner's promotion having been forwarded to the General Administration Department of the State, we dispose of the petition keeping open the remedy as available to him in law.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/