

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 235 OF 2022**

Supriya Babasaheb Kamble & Ors ...Petitioners
Versus
Dr Vitthalrao Subrao Shivankar & Anr ...Respondents

WITH

CONTEMPT PETITION NO. 698 OF 2022

Manisha Sudam Upadhye ...Petitioner
Versus
Dr Vitthalrao Subrao Shivankar, Secretary of
Rayat Shikshan Sanstha & Anr ...Respondents

WITH

CONTEMPT PETITION NO. 245 OF 2022

Bhagyashree Prakash Parte @ Bhagyashree
Vaibhav Nalawade ...Petitioner
Versus
The State of Maharashtra through The Secretary,
School Education Department ...Respondent

WITH

CONTEMPT PETITION NO. 246 OF 2022

Himmatrao Hauserao Nangare-Patil ...Petitioner
Versus
The State of Maharashtra through The Secretary,
School Education Department ...Respondent

WITH

CONTEMPT PETITION NO. 248 OF 2022

Sachin Bhausaheb More ...Petitioner
Versus
The State of Maharashtra through the Secretary,
School Education Department ...Respondent

WITH

CONTEMPT PETITION NO. 475 OF 2021

Shakur Husenbhai Maniyar ...Petitioner
Versus
Vitthalrao Subrao Shivankar, Secretary of Rayat
Shikshan Sanstha ...Respondent

WITH

CONTEMPT PETITION NO. 247 OF 2022

Rajaram Shivaji Thorat ...Petitioner
Versus
The State of Maharashtra through the Secretary,
School Education Department, Mantralaya ...Respondent

Mr Dilip Bodke, *for the Petitioners in CP 235/2022, CP 698/2022
& CP 475/2021.*

Mr NV Bandiwadekar, *Senior Advocate, with Vinayak Kumbhar i/b
AN Bandiwadekar, for the Petitioners in CP 245/2022, CP
246/2022, CP 248/2022 & CP 247/2022.*

Mr Anil Anturkar, *Senior Advocate, with Milind Deshmukh,
Shailesh Chavan & Prasanna S, for the Respondent-
Management.*

Mr NC Walimbe, *AGP, for the Respondent-State.*

CORAM G. S. Patel &
 Neela Gokhale, JJ.

DATED: 26th July 2023

PC:-

1. There are very seriously disputed questions even of an interpretation of the Consent Terms in question. These Consent Terms were made an order of the Court on 13th September 2021. We are asked to infer in the Contempt Petitions that the Consent Terms impliedly included certain conditions or impliedly excluded certain conditions.

2. It is not possible to examine such questions in contempt proceedings. It is open to the Petitioners to file a substantive proceeding if they are so advised. That substantive proceeding will be decided on merits and the disposal of these Contempt Petitions will not affect that consideration. We make it clear that we have not decided the merits of the Petitioners' contentions in the present contempt proceedings. We only hold that the Contempt Petitions themselves are not maintainable.

3. The Contempt Petitions are dismissed.

4. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)

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