

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

Writ Petition No. 1654 of 2020

[Gajanan s/o Laxmanrao Peche ..vs.. Shri Sudhakar Rao Gramvikas Pratishthan, Dongargaon,
Tq. Ghatanji, Dist. Yavatmal through its President and ors.]

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

Court's or Judge's orders

Mr. D. P. Dapurkar, Advocate for the petitioner
Mr. S. M. Vaishnav, Advocate for respondents 1 and 2
Mrs. K. R. Deshpande, A.G.P. for respondent 3

**CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATED : 13-3-2023

In essence, this petition is in the nature of recovery proceedings.

2. The petitioner was terminated from service in the year 1998. He challenged the termination in Appeal 156/1998 which the School Tribunal allowed.

3. The petitioner preferred criminal complaint under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 read with Section 2(n) of the Code of Criminal Procedure, 1973. Learned Magistrate held the accused guilty of deliberate non-compliance of the judgment of the School Tribunal and imposed penalty of Rs. 90,000/- (Rupees Ninety Thousand) and in lieu thereof custodial sentence of one month.

4. It further appears that the petitioner has also initiated proceeding under the Contempt of Courts Act before this Court viz. Contempt Petition 79/2015 and same is pending in this Court. We cannot permit the Constitutional Court to be reduced to a recovery court.

5. The petition is dismissed.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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