

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

CONTEMPT PETITION NO. 17 OF 2023
IN
WRIT PETITION NO. 2403 OF 2021 (D)

Ku. Priti D/o Bhikanrao Kiratkar ..VS.. Dr. Sucheta Patekar, Education Officer (Sec.),
 Zilla Parishad, Akola and another

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

Court's or Judge's orders

Shri N.D. Thombre, Advocate for petitioner.
 Ms. N.P. Mehta, Assistant Government Pleader for respondent No.1.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ
DATED : JULY 17, 2023

Heard.

2. The Education Officer (Secondary) granted approval to the appointment of the petitioner on 19.11.2020 with effect from 13.08.2019. Subsequently, on 19.03.2021 the order of approval was corrected and the petitioner was held entitled to honorarium of Rs.2000/- per month for the period of 13.08.2019 to 12.08.2022. Being aggrieved by this modification, the petitioner challenged the said order by filing Writ Petition No. 2403/2021. In the said writ petition, on 10.10.2022 the following order was passed :-

“7. For the aforesaid reason, following order is passed :-

i) The order dated 19.03.2021 issued by the Education Officer (Secondary) having been passed without hearing the petitioner is set aside.

ii) The Education Officer (Secondary) shall, if he desires to modify the order of approval dated 19.11.2020, grant an opportunity of hearing to the petitioner and then take a decision after putting the

petitioner on notice as regards the grounds on which the order of approval as proposed to be modified.

iii) Till such exercise is conducted, the earlier order of approval dated 19.11.2020 shall continue to operate.

iv) Keeping all the questions on merit open, the Writ Petition is allowed in the above terms. Rule is made absolute with no order as to costs.”

Thereafter, the Education Officer (Secondary) after hearing the petitioner has passed a fresh order on 07.11.2022 maintaining grant of honorarium at Rs.2000/- per month for the period from 13.08.2019 to 12.08.2022.

3. The learned counsel for the petitioner submits that it was necessary for the Education Officer (Secondary) to have considered the Government Resolution dated 14.09.2022 which was referred to in the order passed in Writ Petition No. 2403/2021. However, without referring to the same, the order dated 19.03.2021 has been passed. This according to him amounts to wilful disobedience of the directions issued by this Court.

4. We find that while remanding the proceedings for fresh consideration, the Education Officer (secondary) was directed to give due notice to the petitioner as regards on the basis of which the order of approval was proposed to be modified. After giving such notice, the order dated 07.11.2022 has been passed. As regards placing the petitioner on honorarium for the period of three years, the same is a matter to be examined not in contempt jurisdiction but in writ jurisdiction. We find that the directions issued in the Writ Petition No. 2403/2021 have been complied with by hearing the petitioner and by passing the order. The order passed may not be legally correct according to the petitioner but that cannot be a ground to hold that there is wilful

disobedience of the order on the basis of which such adjudication has taken place.

5. With liberty to the petitioner to challenge the order dated 07.11.2022 in accordance with law, the Contempt Petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

Kirtak