



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO.364 OF 2023
IN
WRIT PETITION NO.8805 OF 2021**

**DIGAMBAR S/O NAGNATHRAO SHINDE AND OTHERS
VERSUS
SHRI. MANUKUMAR SHRIVASTAV
THE CHIEF SECRETARY OF MAHARASHTRA
STATE MANTRALAYA, MUMBAI-32 & ORS**

...
Mr. A. L. Kanade, Advocate for the Petitioners.
Mr. A. M. Phule, AGP for Respondent-State.

...
**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 23rd OCTOBER, 2024.**

ORDER (Per S. G. Chapalgaonkar, J.)

1. The petitioners have approached this Court under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act for initiating proceeding against respondents for non-compliance of order dated 06.04.2022 passed by this Court in Writ Petition No.8805/2021.

2. The petitioners contend that they had approached this Court in Writ Petition No.8805/2021 seeking directions against respondents for issuance of appointment orders against sanctioned vacant Class-III and Class-IV post on contract basis with Government and Semi Government establishments as per Circulars dated 02.03.2019, 30.09.202 and 22.02.2021 issued by the Skill Development and Entrepreneurship Department, Finance Department and General Administration Department, Mantralaya, Mumbai. This Court after hearing respective parties, disposed of Writ Petition vide order dated 06.04.2022 and directed respondent nos.4 and 6 to maintain such a data base and if any of these

petitioners legally have a right to be included in the list to be maintained as a part of such data base, they would find their names entered in the said list to be considered as and when their turn comes.

3. According to the petitioners, they are eligible for appointments on Class-III and Class-IV posts till the age of 55 years on contract basis in view of the Government policy. They are likely to cross age limit. Although their names are included in the list of eligible candidates, they are not given appointment orders as expected under order of this Court dated 06.04.2022 in Writ Petition No.8805/2021. The petitioners moved several representations for implementation of order, however, respondents have failed to take necessary steps. The petitioners, therefore, contend that respondent nos.4 and 6 needs to be dealt with under the Contempt of Courts Act.

4. We have considered submissions advanced by learned Advocate appearing for petitioners. It is true that this Court disposed of Writ Petition by issuing directions to respondent nos.4 and 6 to maintain data base of eligible candidates and based on such data base, candidature of the persons enlisted to be considered as and when their turn comes. The learned Advocate appearing for the petitioners candidly admits that data base has been maintained by the respondents and their names are also included in the list of eligible candidates. In that view of the matter, contentions of the petitioner that they should have been appointed against vacancy in pursuance of order of this Court cannot be countenanced. The learned Advocate appearing for the petitioners accepts during the course of argument that this Court has not issued any directions to grant outright appointment order

in favour of the petitioners. The directions are limited to the extent of preparation and maintenance of data base of the eligible candidates for issuing appointment orders. He also admits that no one is given appointment ignoring claim of petitioners.

5. In view of the aforesaid facts, we find that respondents have complied with the order. There is nothing on record by which disobedience of the directions given by this Court under order dated 06.04.2022 can be observed. In that view of the matter, Contempt Petition sans merit and hence, stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE