



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CONTEMPT PETITION NO.519 OF 2022

IN

CONTEMPT PETITION NO.270 OF 2022

IN

WRIT PETITION NO.6816 OF 2020

1) The Shamlal Sramrak Shikshan
Sanstha Udgir, Through its President,
Suposhpani S/o Sadavijay Arya,
Age-52 years, Occu:President,
R/o-Near Mandade Hospital,
Barshi Road, Latur,

2) The Head Master,
Shamarya Girls High School,
Udgir, Tq-Udgir, Dist-Latur.

...PETITIONERS

VERSUS

1) Trupti Andhare,
Deputy Education Officer (Secondary),
Zillha Parishad, Latur,

2) Nagesh Shankarrao Mapari,
Education Officer (Secondary),
Zillha Parishad, Latur.

...RESPONDENTS

...
Mr. R.D. Biradar Advocate for Petitioners.
Mr. A.R. Kale, A.G.P. for Respondent – State.
...

CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.

DATE : 12th NOVEMBER, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. The original petitioners are contending that the respondents have committed intentional disobedience of the order dated 13th July 2022 passed by this Court in Contempt Petition No.270 of 2022 and therefore, action needs to be taken against the respondents under the Contempt of Courts Act.

2. Heard learned Advocate Mr. Biradar for the petitioners and learned AGP Mr. Kale for the State.

3. Perusal of the order that was passed by this Court on 13th July 2022 in Contempt Petition No.270 of 2022, would show that in the phased manner the action was required to be taken. The order passed by this Court in Contempt Petition No.270 of 2022, reads thus:-

"a] The employee as well as the management are put to notice that they shall appear before the Education Officer (Secondary) on 25-07-2022 at 11.00 a.m.

b] Notices are dispensed with.

c] The Education Officer would conduct and complete the hearing in between 25-07-2022 till 27-07-2022.

d] The Education Officer would then pass an order on or before 05-08-2022 and communicate the same to the parties.

E] Needless to state, that the pension will be paid accordingly."

4. After the said order was passed, it appears that the representations were made but no action was taken, is the contention of the petitioners.

5. Now, affidavit has been filed by respondent No.2 - Mr. Nagesh Shankarrao Mapari, the Education Officer (Secondary), Zilla Parishad, Latur. He says that due to personal reasons he was required to leave the headquarter and for which he had obtained leave from his higher officer. He says that Deputy Education Officer (Secondary) had conducted the hearing during the period of his leave. Again his explanation appears to have been called and he has filed another affidavit on 10th January 2023, explaining that written submissions have been taken and therefore, after he resumed his duties, he has taken the decision on the basis of the written submissions. Thus, according to him, the decision has been taken by him on 5th August 2022. Further order has also been passed on 12th September 2022. Now the question is, when respondent No.2 says that the order has been

passed, if the petitioners are aggrieved by the same, then they have to take appropriate legal recourse. Respondent No.2 has stated that he was supposed to take the decision on or before 5th August 2022 and the decision has been so taken. Therefore, we do not find this to be a fit case where we should take action under the Contempt of Courts Act, because we do not find that there is wilful disobedience.

6. The Petition stands dismissed.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/DECE24