

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**923 CONT. PETITION NO. 510 OF 2023  
IN  
WP/11186/2022**

**RUPALI VYANKATRAO KANDE  
VERSUS  
THE STATE OF MAHARASHTRA  
THROUGH ITS SECRETARY RANJITSINGH DEOL**

...

Advocate for Petitioner : Mr. Panpatte V. S.  
AGP for Respondent/s – State : Ms. S.S. Joshi

...

**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATE : 15 FEBRUARY 2024**

**PER COURT :**

Heard both the sides.

2. The petitioner has been complaining about the disobedience of the order dated 16 November 2022, whereby, she was granted some interim relief.

3. The interim relief that was granted was in following form :

*“1. The petitioner has put forth prayer clauses “B”, “C”, “D” and “E” as under:-*

*“B) To hold and declare that the appointment of petitioner w.e.f. 01/07/2015 till today is legal and valid.*

*C) By issue of Writ of mandamus or Order or direction in the like nature, the impugned order dated 08/09/2022 passed by respondent No.2 Deputy Director of Education, Aurangabad may kindly be quashed and set aside.*

*D) By issue of Writ of mandamus or Order or direction in the like nature, the respondent No.2 Deputy Director of Education may kindly be directed to restore her approvals to her original post with further directions to grant all the benefits including arrears and salary of the petitioner by granting sanctioned to Shalarth ID.*

*E) By issue of Writ of mandamus or Order or direction in the like nature, the respondent No.1 may kindly be directed to initiate detailed enquiry in the matter at the hands of higher authority, so that the culprit behind this can be punished legally.”*

*2. Issue notice to the respondents, returnable on 09.01.2023. The learned A.G.P. waives service of notice on behalf of respondent Nos. 1 to 3.*

*3. Considering that the petitioner has been working for seven years and claims to have received approval to her appointment, which was preceded by the publication of an advertisement in “Daily Lokmat” on 24.6.2015 and was selected by the duly appointed selection committee, we are granting protection to the petitioner against her termination and lodging of a criminal case.*

*4. The copies of the petition paper book for issuance of notice shall be supplied on or before 24.11.2022, failing which the ad-interim protection shall stand vacated without reference to the Court, on 25.11.2022.*

*5. Let the affidavit in reply be filed at least 15 days prior to the returnable date in this matter.*

*6. All office objections to be removed.”*

4. Admittedly, she was granted protection from termination of employment. It is not her case that she has been terminated. Even her learned Advocate admits the fact.

5. If such is the state of affairs, we have no manner of doubt to conclude that it is a sheer abuse of process of law to invoke the contempt jurisdiction of this Court and wasting valuable time.

6. We dismiss the contempt petition by imposing costs of Rs. 5,000/- to be deposited as a condition precedent for entertaining her substantive Writ Petition which is pending. The amount shall be deposited within one month.

**[ SHAILESH P. BRAHME, J. ]**

**[ MANGESH S. PATIL, J. ]**