



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

**CONTEMPT PETITION NO. 763 OF 2023
IN
CONTEMPT PETITION NO. 631 OF 2018
IN
WRIT PETITION NO. 5664 OF 2016**

Shahejed Ahmed Amiruddin Patel .. Petitioner

Versus

Union of India and others .. Respondents

Shri Shaikh Shermahmed K., Advocate for the Petitioner.
Shri M. M. Nerlikar, A.G.P. for the Respondent No. 2.

WITH

**C.P. NO. 198/2023 IN C.P. NO. 114/2018
C.P. NO. 199/2023 IN C.P. NO. 115/2018
C.P. NO. 21/2024 IN C.P. NO. 781/2018
C.P. NO. 22/2024 IN C.P. NO. 783/2018
C.P. NO. 223/2023 IN W.P. NO. 892/2016
C.P. NO. 23/2024 IN C.P. NO. 782/2018
C.P. NO. 235/2024 IN C.P. NO. 282/2018
C.P. NO. 596/2022 IN W.P. NO. 10817/2015
C.P. NO. 599/2022 IN W.P. NO. 923/2017
C.P. NO. 600/2022 IN W.P. NO. 3961/2016
C.P. NO. 603/2022 IN W.P. NO. 3962/2016
C.P. NO. 624/2022 IN W.P. NO. 2827/2017
C.P. NO. 625/2022 IN W.P. NO. 2558/2017
C.P. NO. 912/2023 IN C.P. NO. 745/2018
C.P. NO. 913/2023 IN C.P. NO. 114/2018
C.P. NO. 916/2023 IN C.P. NO. 114/2018
C.P. NO. 917/2023 IN C.P. NO. 746/2018
C.P. NO. 938/2023 IN W.P. NO. 8375/2022
C.P. NO. 939/2023 IN W.P. NO. 6097/2022
C.P. NO. 940/2023 IN W.P. NO. 8891/2022
C.P. NO. 941/2023 IN W.P. NO. 8840/2022
C.P. NO. 255/2024 IN W.P. NO. 1030/2016**

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 APRIL 2024.**

ORDER :

. These are the matters of special teachers who have not been getting remuneration.

2. Apart from the stand being taken in the affidavit in reply as regards rate at which arrears are to be paid, we see no tangible progress in the matters of these petitioners. These teachers have been held to be eligible after a scrutiny and still their arrears have not been paid. There are 67 petitioners. Only 21 of them have been paid. There are 46 individuals left in lurch. A Government Resolution has been issued, however, that would cover only two amongst 46.

3. Learned Addl. G. P. submits that it is an on going process and matters are being considered on case to case basis. He would also substantiate the stand being taken in the affidavit in reply, wherein the Director of Education points out to the change in the policy after 2018. He has failed to demonstrate that this being a centrally sponsored scheme, wherein respective shares of the Central and State Government are 60 : 40, the former having put up a cap on such teacher's salaries at Rs. 25,000/- arrears are being calculated on that basis.

4. We cannot comprehend the stand being taken by the

Director of Education. If these petitioners are permanent teachers who were being paid salary according to the scale till April 2018, as to how the terms of the employment could be altered to their disadvantage. For the time being, we are not passing any specific order in that regard, since it is only a matter of contempt.

5. Be that as it may. These petitioners are not being paid even according to the rate as mentioned in the affidavit in reply. Merely pointing out that steps are being taken and it being continuous process, to our mind, is arbitrary and deliberate attempt to obviate the directions. Expecting that good sense would prevail over the State and its authorities, as a caution we are adjourning the matters by three (03) weeks with a hope and expectation that attempts will be made to pay these petitioners.

6. Any progress in the matters in the mean time shall be reported on that day. We are also expressly indicating that if nothing positive transpires, we may be constrained to direct the Principal Secretary, School Education and Sports Department to remain personally present within a week thereafter.

Stand over to 29.04.2024.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/April 24