



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.246 OF 2023

Rajendra Ankush Pawar And Ors.

...Petitioners

Versus

Vitthalrao Subrao Shivankar,

Secretary Rayat Shikshan Sanstha And Anr.

...Respondents

...

Adv. Dilip Bodke for the Petitioners.

Adv. Milind Deshmukh a/w Onkar a. Wable for the Respondent
Management.

Adv. R. A. Salunkhe, AGP for the State.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 12th NOVEMBER, 2024

Per Court :-

1. A large group of matters with WP No.3530 of 2018 (Shri Naghotakar Ravindra Suresh vs. State of Maharashtra And Ors.), the parties arrived at Consent Terms and tendered the said Consent Terms dated 13th September, 2021 before this Court. The same was marked "X" for identification in the order of this Court dated 13th September, 2021. By the said Consent Terms, the parties agreed that those who are in employment, would be continued and those who are not in employment, would not be granted any relief.

2. The grievance before us in this Contempt Petition is that the management has resiled from the Consent Terms.

3. In matters under the Contempt of Courts Act, the conduct of the accused contemnor is to be assessed, and if, it appears that the contemnor has willfully, intentionally and deliberately disobeyed the order of the Court with the object and intent of overbearing the majesty of law, the contemnor could be prosecuted under the provisions of the Contempt of Courts Act, 1971.

4. In the present case, the management contends that they have complied with the Consent Terms to the extent of protecting the 'in service' candidates. According to the management, those who were not in employment, were not covered by any favorable Consent Terms.

5. Disputed issues cannot be considered in contempt proceedings. Similarly, in the other connected matters wherein Contempt Petitions were filed (Contempt Petition No. 235 of 2022 and other connected matters), this Court (Coram :- G. S. Patel & Neela Gokhale, JJ.) have delivered an order on 26th July, 2023 concluding that the Consent Terms were between the parties and as such, there was no

decision on the merits by the Court and there was no direction issued by the Court. It was concluded that the Contempt Petitions are not maintainable and the same were dismissed.

6. In view of the above, **this Contempt Petition stands dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)