

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION NO. 360 OF 2022
IN
WRIT PETITION NO. 2715 OF 2021

Smt. Yojana Sanjay Thakur. ... Petitioner.
V/s.
Sandip Sangave,
Deputy Director of Education,
Mumbai and another. ... Respondents.

Mr.S.G.Kudle for the Petitioner.
Mr.M.M.Pabale, AGP for the Respondents.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 10 January 2024.

P.C. :

Heard the learned counsel for the parties.

2. This matter was heard on 4 January 2024 and was placed on board today under the caption "For Directions" for the learned AGP to take instructions. The Petitioner had earlier filed Writ Petition No.2715/2021 which was disposed of by order dated 22 September 2021 by the Division Bench directing the Deputy Director of Education to pass an order within a period of eight weeks from the date of the communication. The Respondent- Management

was directed to continue to pay the salary of the Petitioner. It was directed that the order passed by the Deputy Director shall be conveyed to the Petitioner. It appears from the reply affidavit filed on behalf of the Deputy Director that the Deputy Director constituted a committee to give findings and based upon the findings of the Committee he passed an order on 30 December 2022 which is subject matter of challenge in Writ Petition (ST.) No.8925/2022. By order dated 22 September 2021, the Division Bench had directed the Deputy Director to give hearing to the Petitioner and the authorized representative and then render a finding as directed. This order clearly indicated that the Deputy Director of Education will give hearing and then pass an order. It was not contemplated that the Deputy Director would appoint a Committee and then will go by the report of the Committee. In the reply affidavit, the Deputy Director sought to give explanation as to why this course of action was adopted placing on record though a fact finding committee was appointed, the Deputy Director of Education has applied his mind and passed the order.

3. As far as contempt aspect of the matter is concerned, though the procedure adopted is not what was contemplated by the Division Bench, the act cannot be called contemptuous but irregular. In these circumstances, the learned AGP states that instructions have been received from the Deputy Director of Education, Mumbai that the order dated 30 December 2022 is withdrawn and fresh opportunity would be given to the Petitioner strictly in terms of the

order dated 22 September 2021 passed by the Division Bench of this Court applying the same time table starting from today as stated in the order. In view of this stand taken by the Deputy Director of Education, we are not inclined to proceed further in contempt jurisdiction. The order withdrawing the order dated 30 December 2022 will be informed to the Petitioner by the Deputy Director of Education.

4. Contempt Petition is accordingly disposed of.

5. In light of this position, writ petition also does not survive and stands disposed of accordingly. All contentions of the parties on merit are kept open.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)