

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 236 OF 2024**

Pratisksha Pundalik Mahalunge ...Petitioner
Versus
Shivdatta Dnyanprasarak Mandal & Ors ...Respondents

Ms Pooja Malik, for the Petitioner.
Mr Kedar Dighe Addl GP, with with Smt VR Raje, AGP, for
Respondents Nos. 2 & 3-State.

CORAM Kamal Khata, J.
DATED: 26th April 2024

PC:-

1. Heard Ms Malik for the Petitioner.
2. This Contempt Petition is taken out against Shivdatta Dnyanprasarak Mandal (“**the school**”) for having failed to comply with the order dated 30th October 2023 passed by this Court in Writ Petition No 7679 of 2023. That order is at page 36 of the Petition.
3. The Petitioner was appointed as Head Mistress of the school since 2011. A termination notice was issued to her on 6th March 2023 by the school. She challenged it by filing Appeal No. 06/2023 before the School Tribunal, Navi Mumbai. By an order dated 18th

SUMEDH
NAMDEO
SONAWANE
Digitally
signed by
SUMEDH
NAMDEO
SONAWANE
Date:
2024.04.29
11:20:04
+0530

April 2023, the Petitioner was reinstated as the Head Mistress in the school. The school challenged the order of reinstatement before the High Court in Writ Petition No 7697 of 2023. In that Petition this Court passed an order issuing directions to the school to make payment including arrears to the Petitioner in terms of the affidavit filed by the school that was on record.

4. Ms Malik submits that the school failed to pay the arrears and has not complied with the order dated 30th October 2023. Ms Malik submits that instead of complying with the Court's order, the school issued show cause notice on 27th February 2023. The Petitioner's requests to the school to pay her through various representations/communication were not heeded to. Instead, the school initiated an enquiry that was communicated to the Petitioner on 27th March 2024. An enquiry committee is constituted against her and she may represent herself before it.

5. None represents the school despite service. An affidavit of service dated 5th April 2023 has been filed says Ms Malik. The annexure to the Affidavit evinces that the school has been served. Matters on today's board of this Court are placed abruptly. With a view to give a fair opportunity to school to be represented the matter is adjourned.

6. Ms Raje submits that there is no contempt made out against her clients Respondents Nos 2 and 3. She draws my attention to pages 52 and 53 of the Petition and contends that they have taken appropriate action against the school by communicating that no

sanction/permission has been taken by the school for the actions taken against the Petitioner. She therefore contends that the responsibility to pay wages/arrears of the Petitioner is solely of the school.

7. Ms Malik for the Petitioner does not dispute these contentions.

8. Ms Malik therefore seeks liberty to amend the Petition and delete name of Respondents Nos 2 and 3 who she agrees are not in contempt. Liberty is granted.

9. Amendment is to be carried out by 3rd May 2024 and Petition to be reverified. Amended copy is to be served by 8th May 2024 by private service.

10. In the meantime, I am inclined to grant the Petitioner interim relief in terms of prayer clause (c).

11. List the matter on 7th May 2024.

(Kamal Khata, J)