

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 13767 OF 2024
IN
WRIT PETITION NO. 4076 OF 2021**

The Superintendent,
Office of Education Inspector,
(South Zone), Parel, Mumbai ... Applicant

IN THE MATTER BETWEEN

Late Sushant Dattatray Parab
(Through his Wife Neha Sushant Parab) ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**WITH
INTERIM APPLICATION NO. 13768 OF 2024
IN
WRIT PETITION NO. 4076 OF 2021**

The Deputy Education Inspector (West Zone) ... Applicant

IN THE MATTER BETWEEN

Late Sushant Dattatray Parab
(Through his Wife Neha Sushant Parab) ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

...

Mr.Saurabh Pakale with Mr.Nilesh Desai i/b. Mr.Shankar Katkar for the
Petitioner.

Ms.Ashwini A. Purav, AGP for the Applicant -State.

Mrs.Ashwini Latkar, Deputy Education Inspector, Jogeshwari (West
Zone).

Mr.Anil Dahiphale, Superintendent (Group B), Education Inspector (South Zone), Mumbai.

...

**CORAM : RAVINDRA V. GHUGE AND
M.M. SATHAYE, JJ.**

DATE : 11TH OCTOBER, 2024

P.C. :

1. By these Interim Applications, two officers, namely, Mrs.Ashwini Latkar, Deputy Education Inspector (West Zone) and Mr.Anil Dahiphale, Superintendent, Office of Education Inspector (South Zone), praying for recalling of the order passed by this Court on 9th September, 2024 by which a bailable warrant in the sum of Rs. 25,000/- each, was issued to secure the presence of these officers in the Court.

2. In the hearing on these Applications, the learned Advocate Mr.Saurabh Pakale submits that the names of these two officers were conveyed to the Court on instructions from the Petitioner. He submits that these two officers did not respond to the notices issued by this Court and did not appear in the Court.

3. It is revealed that notice to Respondent No.7, was not served upon Mrs.Latkar or Mr.Dahiphale. They claim in the Interim

Applications that they are unconnected with this Petition and they do not have any charge on the department which is concerned with the issue raised in this Petition. They further submit that the order of this Court dated 9th September, 2024 has already been reported in daily 'Samna' wherein a reference has been made that these two officers have been summoned to the Court. Their names have also been published in the newspaper causing mental agony and anxiety.

4. The learned Advocate Mr. Pakale tenders an apology on behalf of the Petitioner, for having caused discomfort to these two officers. He clarifies that he had no intention to cause any discomfort to both of them. It was only that the Petitioner informed him that these two officers are the persons from the Office of Respondent No.7 and believing in the Petitioner, he tendered these two names to the Court which led to the passing of the orders on 19th April, 2024 and 9th September, 2024.

5. In view of the above, **these Interim Applications are allowed.** The order dated 9th September, 2024 issuing bailable warrant stands recalled. The Petitioner shall deposit cost of Rs. 5,000/- to be paid to each of these two officers. The amount shall be deposited in this Court within a period of 30 days from today. Both these officers are at liberty to withdraw the said amounts without conditions.

6. The learned AGP submits that Respondent Nos. 6, 7 and 8 are Mr.R.S.Pillai, Senior Accounts Officer (Retired); Mrs.Pushpa Menon, Senior Accounts Officer; Mrs. K.R.Dubhashi, Senior Accounts Officer; Mrs. Jaya Gomez, Senior Accounts Officer from the Office of the Accountant General (A & E); Mr. Datta Kathale, Education Officer/ Superintendent, Pay and Provident Fund, Sindhudurg; and Mr.Meshram, the District Treasury Officer, Sindhudurg, who have not responded to the Court notice. They are in the process of implementing the directions of this Court, dated 15th January, 2024. On the next date, she would apprise the Court of the further developments.

7. List this Petition on 17th October, 2024 at 2.30 p.m. On the said date, the State's authorities shall inform the Court as to whether the Petitioner is entitled to pensionary benefits or not. If we do not get satisfactory explanation, we would proceed to deal with the said officers.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)