



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CONTEMPT PETITION NO.73 OF 2024 IN
WRIT PETITION NO.7527 of 2022(D)

Ku.Sangita Shamrao Deshmukh and others

vs.

Sau.Suchita Patekar, Education Officer (Secondary), Zilla Parishad, Akola and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P S. Patil, Advocate for petitioners.

Mr. A.A.Madiwale, Assistant Government Pleader for respondent.

CORAM :- BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE :- 1st OCTOBER, 2024

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1. Heard.

In compliance of the order dated 19.08.2024, Sau. Suchita Patekar, Education Officer (Secondary), Zilla Parishad, Akola, is present before us.

She has filed an affidavit affirmed on 28.08.2024 and we have perused the same.

2. With reference to the order passed by this Court, the contemnor has tendered her unconditional and unequivocal apology and she has specifically stated that she has never conducted herself in defiance of the orders passed by this Court.

In paragraph 6 onwards, she has offered her explanation as to why the salary could not be paid and the difficulties faced by her as this involved various functionaries including the Office of the Superintendent, Pay and Provident Fund Units (Secondary), Akola which is a different establishment from the Office of the Education Officer. It is stated that the responsibility of drawing and disbursing the salary is with the Office of Superintendent, Pay and Provident Fund Units (Secondary), Akola.

3. She has taken the responsibility for the lapse on her part and tendered an apology, as she was shouldered with certain other responsibilities.

On 29.07.2024, she communicated the Headmasters of the schools where the petitioners were absorbed and working and requested to forward the salary bills so as to comply with the directions issued by this Court.

Upon receipt of the salary bills from the schools where the petitioners were absorbed, on 03.08.2024, a conscious decision was taken thereby allowing the proposal for payment of salary of the petitioners for the period from January 2016 to December 2018. Thereafter prompt steps were taken to release the salary for the aforesaid period.

4. On reading the affidavit filed by the Education Officer (Secondary), we do not see any deliberate intention or attempt to disregard the orders passed by this Court.

We are quite conscious of the fact that when the files are moved from one department to other and in particular the bills are to be received from respective schools, the Education Officer solely cannot be held responsible, for non payment of salary.

5. Accepting the apology tendered before us and in her affidavit, which we feel to be meaningful one, by accepting compliance, since the contempt is purged, we drop the proceedings in Contempt Petition No.73 of 2023.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE , J.)