



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

Writ Petition No.948 of 2024

[Dinkar S/o Sitaram Jadhav **VERSUS** Education Officer (Secondary), Zilla Parishad, Buldhana
and others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri G.G. Mishra, Counsel for Petitioner.
Shri D.P. Thakare, Additional Government Pleader for Respondent No.1.
Shri R.D. Karode, Counsel for Respondent Nos.2 and 3.
Shri K.P. Mahalle, Counsel for Respondent No.4.
Respondent No.2-Shri Gajanansingh Shakarbaba More, President, Dattatraya Shikshan
Sanstha, Diwthana, Tq. Chikhali, District Buldhana, present in person.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 23rd APRIL, 2024

1. This Court has issued contempt notice to Shri Gajanansingh Shakarbaba More, President, Dattatraya Shikshan Sanstha, Diwthana, Tq. Chikhali, District Buldhana, i.e. the respondent No.2.
2. Shri S.S. Deshpande, learned counsel appearing for the respondent Nos.2 and 3, has sought discharge, as Shri R.D. Karode, learned counsel, is appearing for these respondents.
3. In view of no-objection given by Shri R.D. Karode, learned counsel, appearance of Shri S.S. Deshpande, learned counsel, stands discharged for the respondent Nos.2 and 3.
4. We have heard Shri R.D. Karode, learned counsel for the respondent Nos.2 and 3, for some time, wherein his arguments were that it was for the respondent No.1-Education Authority to declare the petitioner surplus and his failure cannot be attributed to the respondent Nos.2 and 3.

5. We have confronted Shri Karode, learned counsel appearing for the respondent Nos.2 and 3, in view of the order dated 17-11-2022 passed by the Deputy Director of Education, Amravati Division, Amravati on an appeal preferred by these respondents. The respondents without any authority have not only questioned the order of absorption of the petitioner, but also it is brought to our notice that the respondent Nos.2 and 3, after the order of absorption for last more than one year, have neither handed over the complete Service Book nor co-operated in submitting Shalarth ID. As a sequel, the petitioner is without salary for more than two years. This has prompted us to issue contempt notice to the respondent No.2.

6. Today when the matter is called out, the respondent No.2-Gajanansingh Shakarbaba More, who is physically present in the Court, makes a statement through his counsel that he shall comply with all the shortfalls in the Service Book within a period of two weeks from today and shall comply with all the formalities so as to ensure release of salary of the petitioner.

7. Since the statement is made by the respondent No.2-Gajanansingh Shakarbaba More through his counsel, same is accepted as an undertaking to this Court.

8. This Court considering the adverse conduct of the respondent No.2 was not inclined to grant the said opportunity to the said contemnor, particularly having regard to his complete disrespect and disregard not only to the earlier orders passed by this Court but also to the judgment delivered in Writ Petition No.5208 of 2007 on 27-4-2015.

9. This Court, in view of the conduct of said Gajanansingh Shakarbaba More to be contemptuous, was about to order attachment of his property, however Shri Karode, learned counsel, on instructions from the said contemnor, assures this Court that within a period of one week from today, the said contemnor shall be depositing an amount of Rs.5,00,000/- (Rupees Five Lakhs) in this Court so as to demonstrate his *bona fides*.

10. As such, we deem it appropriate to defer this matter to 7-5-2024 by way of last chance.

11. Stand over to **7-5-2024 at 2.30 p.m.**

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR