



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

CONTEMPT PETITION NO.360 OF 2019
IN
WRIT PETITION NO.2413 OF 2018 (D)
WITH
CIVIL APPLICATION (CAN) NO.42 OF 2024

Sachin s/o Wasudeoji Warghane, Manewada Road, Nagpur and anr.

-vs-

Smt Vandana Krishna, The Secretary, School Education and Sports Dept. Mantralaya, Mumbai
and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri A. D. Mohgaonkar, Advocate for petitioners.
Ms Tajwar Khan, Assistant Government Pleader for respondent Nos.1 and 2/State.
Shri G. G. Mishra, Advocate for respondent No.3

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

DATE : May 09, 2024

P. C.

1. Heard.
2. The contempt petition is taken out alleging non-compliance of the directions issued by this Court on 23/09/2019 in Writ Petition No.2413/2018. This Court while deciding the said writ petition has directed the respondent Nos.1 to 3 to release the salary grants of the petitioners on 100% grants-in-aid basis along with arrears.
3. It appears that the said judgment was questioned before the Hon'ble Apex Court in Special Leave Petition which was dismissed on 23/04/2024 in which it is informed that an interim order was in operation thereby staying the present proceedings.
4. Since Special Leave Petition is admittedly dismissed on 23/04/2024, we can go ahead with the hearing of present contempt proceedings.
5. Shri Siddheshwar Kaluse, Education Officer (Primary) is physically present in Court today and assures that in case the respondent-Management submits the bills for release of regular salary of the petitioners, same can be released forthwith on regular basis.

6. Though served, none appears for the respondent-Management.
7. As such we accept the statement made by the Education Officer (Primary) that he shall be seeking the bills for payment not only for regular salary from respondent Nos.5 and 6 but also for arrears to be paid to the petitioners.
8. Let such communication be issued by the Education Officer (Primary) to respondent Nos.5 and 6 contending that the bills for regular salary be submitted within one week from today and bills for payment of arrears be submitted within two weeks from today.
9. The Education Officer (Primary) shall make every endeavour to communicate not only the present order to respondent Nos.5 and 6 directly but also his own communication to the respondent Nos.5 and 6 through special messenger.
10. In case respondent Nos.5 and 6 fail to report compliance to the above, the Court would constrain to frame charge against said respondent Nos.5 and 6 on the next date of hearing. It is made clear that if respondent Nos.5 and 6 choose to remain absent on next date, the Court will be constrained to issue non-bailable warrant against them.
11. In case the order to the extent of submitting the bills for release of regular salary and also arrears is complied, the statement made by the Education Officer (Primary) that the same would be released forthwith is accepted. As far as payment of arrears is concerned, the Education Officer submits that the moment such bills are received, same shall be placed before the Director of Education who shall grant approval to the same forthwith pursuant to the orders of this Court of which contempt is alleged and every endeavour shall be made to release the arrears in any case within a period of six weeks from today.
12. Post the matter for further consideration on 11/07/2024. Liberty to mention in case if regular salary is not paid to the petitioners as assured.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)