



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CONT. PETITION NO. 164 OF 2020
IN WP/3137/2018

Prabhakar Shankarrao Patil

...Petitioner

VERSUS

Ashok Lotan Pawar and Ors.

.....Respondents

.....

Mr. S. R. Barlinge, Advocate for the Petitioner

Dr. Kalpalata Patil Bharaswadkar, Addl. GP for Respondents – State

Mr. A. N. Nagargoje, Advocate for Respondent No.2

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**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 25.02.2025

PER COURT :

1. This Contempt Petition is filed for non compliance of the order dated 28/03/2019, passed by this Court, in Writ Petition No.3137/2018. The said order reads thus :-

“1. We had heard the matter on 04.03.2019. The contention of the petitioner was that respondent No.3 is not allowing the petitioner to join, whereas, learned Advocate for the respondent school submitted that the petitioner had not joined the duties. There are rival contentions in this regard.

2. It is not the case of the respondent Institution that the petitioner was not appointed. It appears that appointment order is issued to the petitioner by the Institution. We are not entering into the said dispute. Suffice it to observe that there is no dispute that the petitioner is in employment, however, the only dispute is with regard to the petitioner not joining and/or respondent No.3 not allowing the petitioner to join.

3. The petitioner shall remain present in the School, for which the petitioner was issued appointment order by the respondent no.3, on 02.04.2019 at 10.00 a.m. Respondent No.2 Education Officer (Primary), Zilla Prishad, Jalgaon shall also depute his representative in the said school at 10.00 O'clock. The representative of the Education Officer shall submit report of joining of the petitioner or otherwise, to the Education Officer.

4. *With regard to the dispute about payment of salary, the petitioner may approach the Education Officer for the said purpose. The Education Officer shall, after considering the contentions of the petitioner and respondent no.3, take decision about entitlement of the petitioner for the salary, as contended by the petitioner, within a period of three months from the date, the petitioner approaches the Education Officer.*

5. *With these observations writ petition stands disposed of. No costs."*

2. It is submitted by the learned Advocate for the Petitioner that, though Respondent No.3 allowed the Petitioner to join at the Primary School as directed in Paragraph No.3 above, immediately the Petitioner was transferred to the non-aided Secondary School after a period of couple of months. The said would be a fresh cause of action. Therefore, it is clear that, the directions given in Paragraph No.3 of the order dated 28/03/2019 in Writ Petition No.3137/2018 are complied with.

3. As regards the directions issued in Paragraph No.4 above, the learned Advocate for the Petitioner submits that, the Education Officer did his job and determined the salary of the Petitioner and by order dated 03/07/2019 directed the Management to pay the salary, since it was the appointing authority. There is no dispute in respect of the said decision by the Education Officer. It is clear that, in the above Paragraph No.4, the directions were issued to the Education Officer for determining the salary of the Petitioner and that has been done by the Education Officer.

4. It is the contentions of the learned Advocate for the Petitioner that, the said order passed by the Education Officer merges into the order of this Court and therefore, the Management shall pay the amount.

5. Needless to state that, the Petition is filed under Sections 10 and 12 of the Contempt of Courts Act, 1971, which admittedly are the penal provisions. Admittedly, there are no directions in the said order directing payment by the concerned Management. It is also admitted position that, the Management has challenged the said order passed by the Education Officer before the appropriate forum. In this view of the matter, it is clear that, the above directions of this Court are complied with. Nothing survives for further consideration in this Contempt Petition and hence, the Contempt Petition stands disposed of.

6. Needless to state that, the Petitioner has liberty to avail appropriate remedy for execution of the order passed by the Education Officer determining the salary of the Petitioner.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/Feb-2025