



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONT. PETITION NO. 42 OF 2019
IN WP/6245/2006**

Prakash S/o Ganpat Gadhave,
Age: 46 years, Occu: Service,
R/o. Chakhalewadi, Tq. Karjat,
Dist. Ahmednagar.

.....CONTEMPT PETITIONER
(Orig. Respondent No.1)

VERSUS

1. Bapusaheb S/o Vishnupanth Kaldate,
Age: 66 years, Occu: Secretary of
Swanand Shikshan Sanstha,
Chincholi (Kaldat), Tq.Karjat,
Dist. Ahmednagar.
2. Balkrushna S/o Kisan Mandge,
Age: 50 years, Occu : service as
Head Master of the New english school,
Post Bhose, tq. Karjat, Dist. Ahmednagar
R/o. C/o. The New English School,
Post bhose, Tq.Karjat,
Dist. Ahmednagar.
3. Shri. Ashok Kadus
Education Officer (Secondary)
Age: 51 years, Occu: Service as
Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar
4. Shantilal s/o Anna Chavan,
Age: 53 years, Occu: Service as
Head Master of Swanand Vidyalaya,
Chincholi Kaldar, Tq. Karjat,
Dist. Ahmednagar,
R/o. C/o. Swanand Vidyalaya,
Chindholi Kaldat, Tq. Karjat,
Dist. Ahmednagar.

.....CONTEMNORS/RESPONDENTS

(Respondent Nos.1 and 2 are original petitioners
& Resp. No.3 is Orig. Resp. No.2)

Mr. V. J. Dhage, Advocate for the Petitioner
Mr. S. V. Hange, AGP for Respondents-State
Mr. V. P. Latange, Advocate for Respondent nos.1 and 4

CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

. Prayer clause 'B' of the Contempt Petition reads as under:

B) Contemnor may kindly be dealt with and may kindly be punished in view of the provisions of Contempt of Courts Act for not obeying the order dated 04.04.2008, passed by this Hon'ble Court in Civil Application No.10084 of 2007 in Writ Petition No.6245 fo 2006;

2. Mr. V. J. Dhage, learned Advocate appearing for the contempt petitioners was fair enough to demonstrate an order dated 10.08.2015, passed by this Court in Contempt Petition No.204 of 2015 in Writ Petition No.6245 of 2006. Paragraph No.1 of the order is reproduced as follows:

1. The respondent Nos.1 and 2 have filed an affidavit in reply through Shri Bhausahab Vishnupant Kaldate, who is the Secretary of the concerned educational institution. At the outset, an unconditional apology has been tendered. In paragraph No.5, it is stated that the petitioner has already been absorbed on the post of Graduate

Teacher. He has been transferred as an Assistant Teacher (Graduate to Swanand Vidhyalaya, Chincholi (Kaldat), Tq. Karjat, District Ahmednagar and the petitioner has joined on 4.2.2015. Therefore, the order of this Court dated 4.4.2008 has been complied with.

3. As such, it is recorded by this Court that there is compliance of order dated 04.04.2008. Now, so far as prayer clause 'C' of the Contempt Petition is concern which reads as follows:

C) Contemnors may kindly be dealt with and may kindly be punished for not accommodating the petitioner on B.Ed. scale i.e. Assistant Teacher (Graduate);

4. Mr. V. J. Dhage, learned Advocate has taken me to an order passed by this Court dated 28.02.2023 in Contempt Petition No.42 of 2019 in Writ Petition No.6245 of 2006. The sum and substance of the facts as could be revealed from paragraph nos. 5 and 6 of the order dated 28.02.2023 is that the petitioner is accommodated in B.Ed scale from 02.07.2015 and proper approval is also granted to such appointment by the Competent Authority. It further reveals that the only issue was about the salary of the petitioner in the B.Ed scale with effect from the date of approval i.e. 02.07.2015 to 27.02.2023 i.e. from which the contempt petitioner is receiving the salary

of B.Ed scale. In the said order, it is recorded that the learned AGP had sought time to get specific instructions as to what happened about the salary for this mean period.

5. Mr. S. V. Hange, learned AGP for respondent no.3 has taken me to the reply affidavit filed by the respondent no.3 dated 22.11.2024. The said authority has however disputed the entitlement of the petitioner for the disputed period with effect from 02.07.2015 to 27.02.2023. Keeping in mind that the contempt proceedings may not be exercised nor could be utilized as an execution process and that the substantial compliance has been done by the responding authorities as is observed above. Now, only the issue remains is of entitlement of the petitioner for the salary for the period from 02.07.2015 to 27.02.2023 which happens to be disputed question of facts that shall be beyond the purview of present Contempt Petition.

6. In view of this, present contempt proceedings are disposed of leaving the petitioner at liberty to take appropriate proceedings as permissible in law to claim salary for the period from 02.07.2015 to 27.02.2023.

7. Learned Advocate Mr. V. J. Dhage prays that he may be permitted to raise all contentions as regards to entitlement for

the salary of the said period.

8. Leave granted as prayed for as also for counting the service from 13.06.1997 as permissible in law.
9. Contempt Petition stands disposed of in above terms.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025