



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

CONTEMPT PETITION NO. 13 OF 2024

Mohammed Alim Mohammed Salim .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

CONTEMPT PETITION NO. 14 OF 2024

Viquar Khan Husain Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

CONTEMPT PETITION NO. 15 OF 2024

Nasir Khan Hamidulla Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

CONTEMPT PETITION NO. 16 OF 2024

Hafiz Baig Habib Baig .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Smt. A. N. Ansari, Advocate for the Petitioners in all matters.

Mr. P. P. Dawalkar, Mr. K. N. Lokhande, Mr. P. D. Patil & Mr. K. S. Patil,
AGPs for Respondent No. 1.

Mr. L. V. Sangit, Advocate for Respondent Nos. 2 and 3 in all matters.

CORAM : KISHORE C. SANT, J.

DATED : 28th FEBRUARY, 2025.

P.C. :-

. At the outset, the learned advocate Mr. Sangit appearing for respondent Nos. 2 and 3 submits that, the contempt petitions are not maintainable. He relied upon the judgment and order in following cases :

(i) Writ Petition No. 2036/2022 dated 20.06.2022 passed by this Court in the case of **Smt. Ahemadi Siddiqui Abdul Majid Vs. The State of Maharashtra and others.**

(ii) Contempt Petition No. 574/2023 dated 08.05.2024 passed by this Court in the case of **Shubhangi Ramesh Lokhande Vs. Smt. Anita Vijay Suryawanshi.**

(iii) **Mohammad Salam Anamul Haque Vs. S. A. Azmi and others** reported in **2001 (1) Mh.L.J. 249.**

2. In all these orders and judgments it is clearly held that, remedy of execution of the order passed by the Tribunal is available under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short “MEPS Act”) which adequately takes interest of the litigant. In view of that, it is held that, contempt petitions are not maintainable in the High Court.

3. On this, the learned advocate Smt. Ansari for the petitioners

vehemently argued that, the School Tribunal is a Court subordinate to the High Court and in view of Section 10, this Court certainly enjoy the power as the power to initiate contempt proceedings wherein, it is found that the orders passed by the School Tribunal are not obeyed.

4. There is no doubt that, the School Tribunal is the Court subordinate to the High Court. However, in view of the judgments and orders relied upon by the learned advocate for respondent Nos. 2 and 3, this Court finds that, Section 13 of the MEPS Act provides adequate remedy to the successful litigants is available before the School Tribunal. The orders passed by the School Tribunal are executable. The Tribunals are given sufficient powers even to punish the contemnors for contempting orders of the School Tribunal.

5. Considering all above, this Court need not entertain these contempt petitions. The contempt petitions therefore stand disposed of.

6. Needless to say that, the period for which the contempt petitions are pending before this Court shall be excluded while calculating the period of limitation in case the petitioners choose to approach the proper forum for execution.

(KISHORE C. SANT, J.)

PS.B.