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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.346 OF 2025
IN
CIVIL WRIT PETITION (St) NO. 25495 OF 2021**

Fayaj s/o Yusuf Sayyed Petitioner.
V/s
Sunanda Thube (Wakhare) and OthersRespondents.

Mr. Arvind G. Ambetkar (through VC) a/w Mr. Sandeep Gupta,
Advocates for the petitioner.
Mr. A.K. Naik, A.G.P for the respondent.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 30TH JULY 2025

P.C.

By the order dated 8th September 2022, Writ Petition (St) No.25495 of 2021 titled "*Fayaj s/o Yusuf Sayyed vs. The State of Maharashtra and Ors.*" came to be disposed of with the following directions:-

"(i) In view of above, we find it necessary to relegate the case of the Petitioner to the Respondent No.3 -Education Officer, as the case may be, for taking appropriate decision depending upon the outcome of verification and the facts governing the case of the Petitioner.

(ii) The Petition is, therefore, partly allowed and following directions are issued:-

(a) Respondent No.3 – Education Officer, as the case may be, is directed to decide case of the Petitioner regarding applicability of the old pension scheme as per Maharashtra

Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules-1984 and General Provident Fund Scheme by keeping in view law laid down by this Court in its various judgments including the judgments referred to in the body of the judgment.

(b) If it is so found by Respondent No.3 –Education Officer, as the case may be, that the Petitioner is governed by old pension scheme, the Respondent No.3, as the case may be, shall issue necessary directions to not deduct any amount from the salary payable to the Petitioner governed by the old pension scheme for the purpose of its applying to the DCPS or NPS, and shall also issue necessary directions for refunding of theses amounts to the petitioner from his salary, same is deducted, within four weeks of the date on which such determination is made.

(c) In case it is found that the Petitioner is governed by the old pension scheme necessary directions shall be issued by Respondent No.3, as the case may be, to open GPF accounts in the name of the Petitioner found eligible for same, within four weeks of the date on which his eligibility is determined.

(d) The Petitioner to appear before the Respondent No.3- Education Officer, as the case may be, on 28/09/2022.

4. Writ Petition stands disposed of accordingly.”

2. In the present contempt petition, the petitioner has made a grievance that the directions issued by the writ Court to the Education Officer (Secondary) who is the respondent no.2 in the contempt petition have not been complied. The writ Court had directed the respondent no.2 to decide the applicability of the Old Pension Scheme

as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules 1984 and General Provident Fund Scheme.

3. On instructions, Mr. A.K. Naik, the learned A.G.P representing Education Officer (Secondary), Zilla Parishad, Solapur states that the directions issued by the writ Court vide order dated 8th September 2022 in Writ Petition (St) No. 25495 of 2021 shall be complied by the Education Officer (Secondary) within next four weeks.

4. Recording the statement made on behalf of the Education Officer (Secondary), Zilla Parishad, Solapur, Contempt Petition No.346 of 2025 is disposed of indicating that in the event the writ Court's order is not complied with by the Deputy Director of Education, Pune within next four weeks the costs of Rs 5 lakhs may be imposed upon him.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]