

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 410 OF 2023
IN
WRIT PETITION NO. 1829 OF 2022**

Abid Rajmohammad Warunkar .. Petitioner
Versus
Ranjit Singh Deol, Secretary,
Education and Sports
Department and Ors. .. Respondents

Mr. Chetan G. Patil a/w Mr. Mandar Baglear, Advocates for the
Petitioner.

Mr. V. M. Mali, AGP for the Respndents-State.

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

DATED : 29th JULY 2025

P.C.:

This contempt case has been laid alleging willful and intentional violation of order dated 13th April 2022 by which Writ Petition No. 1829 of 2022 was disposed of with the following direction:

"4. Accordingly, partly allowing the petition, we direct Respondent No.1 to decide the proposal sent to him by the Management on 13 March 2014, in accordance with law, at the earliest and in any case within four weeks from the date of receipt of copy of the order.

5. In case approval is granted, the Shalarth ID shall be allotted to the Petitioner within a period of two weeks from the date of grant of approval and the salary, together with admissible arrears of salary, shall be released to the Petitioner within a period of four weeks

from the date of allotment of Shalarth ID by taking necessary steps in the matter by the Respondents."

2. Mr. Chetan G. Patil, the learned counsel for the petitioner submits that the petitioner who was working since 12th June 1992 and that the full-time post was created in the academic year 2008-09 in respect to which this Court in its order dated 13th April 2022 issued a direction for taking necessary action and granting sanction to the newly created post in terms of the proposal forwarded to the respondent no. 5, but the petitioner was appointed in a different school and not to the post which was created for the academic year 2008-09.

3. In the reply affidavit the respondent no. 5 has stated thus:

"4. I say and submit that, the present Petitioner was working as a full time teacher on newly created additional post from the year 2008-09. I say and submit that, the said newly created post was not sanctioned by the Respondent No. 1 State Government till 7.3.2024 I further say and submit that the said proposal was pending before Respondent No.1 State Government, there were total 1293 Additional created post within state of Maharashtra. I say and submit that after consultation and approval from Finance Department 211 posts were revived on 11.07.2023. Thereafter, by Government Resolution dated 09.11.2023, the State Government has absorbed 283 teachers in their same schools/ management and thereafter, after verifying compliance of remaining 254 teachers, the Director of Education submitted proposal on 15.02.2024 and in view of said proposal and the approval for eligible 249 teacher who worked from 2003-04 till 2018-19 were pending before this State Government and decision for sanctioning said 249 post was taken by the State Government on 07.03.2024. I say and submit that, in the Government Resolution dated 07.03.2024 the Petitioners

*name is at Sr. No. 119. Hereto annexed and marked as **Exhibit R-1** is the copy of Government Resolution dated 07.03.2024.*

5. I say and submit that the application of the Petitioner which is sent by Management for sanctioning the newly created post was pending for want of policy decision of the State Government and therefore, the decision was not taken by the Deputy Director of Education in time. I tender unconditional apology for the inconvenience caused to this Hon'ble Court.

6. I say and submit that, the present Petitioner was retired due to age of superannuation on 31.01.2022 and at the time of hearing of Writ Petition No. 1829 of 2022 dated 13.04.2022 the present Petitioner's Advocate did not inform to this Hon'ble Court that the present Petitioner is already retired.

*7. I say and submit that considering the policy decision dated 07.03.2024, it is not possible at this juncture to grant approval retrospectively to the post of Petitioner. Therefore, the Deputy Director of Education, Kolhapur Division, Kolhapur vide its Order dated 19.06.2024 pleased to reject the proposal for the reason that Petitioner is not in service as on date. Therefore, the service of the Petitioner is not counted for service benefits as prayed by petitioner. Here to annexed and marked as **Exh R-2** is copy of the communication to present petitioner."*

4. As we gathered from the materials on record, and even accepting the plea on behalf of the petitioner regarding inordinate delay and disobedience on the part of the respondent no. 1 in complying with the direction issued by this Court in Writ Petition No. 1829 of 2022, we are not inclined to proceed further with this contempt case. It is by now well settled that delay in complying with the Court's order is not a ground to proceed further in a contempt case. Moreover, we find no plausible reason why the petitioner

approached this Court about a decade after the post was sanctioned for the academic year 2008-09.

5. Contempt Petition No. 410 of 2023 is dismissed.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]