

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.68 OF 2025**

Mr Raviraj Baburao KharodePetitioner
versus
The State of Maharashtra & Ors.Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. Birendra Saraf, A.G. a/w Ms. Neha Bhide, G.P., a/w Ms. Nisha Mehra, A.G.P. for the Respondent – State.

Mr. Mustaq Shaikh, Advocate for the Respondent No.2.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 7th MARCH, 2025

P.C. :-

1. There can be no debate that in view of the law laid down by the Hon'ble Supreme Court in the case of S. Tirupathi Rao Vs. M. Lingamaiah 2024 SCC OnLine SC 1764, a Contempt Petition under Section 20 of the Contempt of Courts Act, would not be maintainable for alleged disobedience of an old order, particularly beyond one year.

2. However, in this petition, we find that the order of this Court dated 9th March, 2017 granting prayer clause (b) of the Writ Petition was not complied with, when the Education Officer had to simply pass an order of issuing the order of approval. The name of the then Education Officer, is Mr. Ashok Kadus, Respondent No.3 herein.

3. The facts and circumstances, prima facie, indicate a strategic attempt by the accused contemnor to overbear the order of this Court. Firstly, he issued a letter to the Management dated 10th April, 2017 to send a fresh proposal. This was not required to be done. This Court had quashed the impugned order dated 29th March, 2016 refusing to grant approval and the proposal was, therefore, restored to the file of the Education Officer. This Court directed him to grant the approval, which order he should have passed on the same proposal.

4. Secondly, the Management tendered a revised proposal dated 10th April, 2017. That revised proposal is rejected by the order dated 17th June, 2019 on the ground that there are certain irregularities in the appointment. This should not have been done by

the accused contemnor since, this Court had directed that the approval should be granted and not that the proposal should be re-scrutinized to be decided afresh.

5. In view of the above, we grant leave to the learned Advocate for the Petitioner to delete Respondent No.2 and add the Education Officer Secondary Shri. Ashok Kadus, who has prima facie not obeyed the order of this Court. Addition be carried out forthwith.

6. **Issue simple notice to the newly added Respondent No.2, returnable on 2nd April, 2025.**

7. We expect Respondent No.2 to file his personal Affidavit-in-Reply. So also, if the State desires to file an Affidavit-in-Reply to give better details about the matter, it is at liberty to do so, at least one week prior to the returnable date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)