

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16742 OF 2024

Sagar Yashwant Mene

.....Petitioner

Vs.

The State of Maharashtra and Ors.

....Respondents

Mr. S. A. Rajeshirke a/w Mr. Rahul Vijaymane a/w Mr. Shubham Vasekar a/w Gautam Kulkarni for the Petitioner.

Mr. C. G. Gavnekar a/w Mr. Rohit Parab for the Respondent Nos. 4, 5 and 6.

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

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

DATE : 17th APRIL, 2025

P.C. :-

1. The case in hands is glaring. An order passed by this Court [Coram: Nitin Jamdar, (as his lordship then was) and M. M. Sathaye, JJ.] dated 22nd April, 2024 in Writ Petition No.11723 of 2023, is disobeyed with impunity. We record this impression since the said Education Officer Mr. Pravin Patil, Zilla Parishad, Nashik was aware of the order dated 22nd April, 2024. It is not his stand before us that he was not aware of the order.

2. The grievance of the Petitioner is that after the order dated 22nd April, 2024 was passed, the said Education Officer passed an order accepting the approval of all those Petitioners in the said petition. When the proposal of the present Petitioner, working in the same Education Institution, came up before the said Education Officer in identical circumstances, merely because the present Petitioner was not a party to Writ Petition No.11723 of 2023, the Education Officer rejected the proposal by passing the same type of the order which was earlier set aside by this Court vide order dated 22nd April, 2024 (supra).

3. From the aforesaid fact situation, a clear case of contempt is visible.

4. The learned AGP on instructions from Mr. Pravin Shridhar Patil, Education Officer Secondary Zilla Parishad Nashik, sought a pass over to tender a written apology affidavit. When this matter was call out at 6 p.m. the affidavit dated 17.04.2025 (page Nos. 132 to 136), is tendered to the Court. On the one hand, an unconditional apology has been tendered. On the other hand, the Impugned order dated 23rd August, 2024 is recalled and an amount

of Rs. 10,000/- as cost, is offered to the Petitioner.

5. The learned AGP further submits on instruction of the said Officer that the approval to the appointment of the Petitioner on compassionate basis on the post of Clerk, would be granted on or before 25th April, 2025.

6. We do not have to say that we do not derive any pleasure in punishing any Officer or any person for disobedience of the order of this Court. However, the magnanimity of the Courts is either being misused or is misread and we find that the instances and occurrences of disobedience of the orders of this Court, are growing day by day. We are also aware that, if we continue to pardon Officers, the day would not be too far that these Officers would develop a feeling that the High Court would never punish any contemnor.

7. Since the learned AGP has made a statement on instructions that this is the first instance of disobedience by the said Officer, that we grant him an opportunity since we believe in the policy of reformation. We are, therefore, pardoning the said Officer,

albeit by directing the Deputy Director of Education, Nashik Division, to enter this order and the apology of Mr. Patil, in his service book. We also clarify that the cost which Mr. Patil volunteers to pay, shall be paid from his salary bank account and be deposited in this Court within 30 days from today. Since the Petitioner is a compassionate appointee, and is made to unnecessarily litigation due to the high handedness of such Officers, we permit him to withdraw the said amount without conditions, under identification of the learned Advocate.

8. In view of the above, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)