

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

**CONTEMPT PETITION NO. 44 OF 2025
IN
WRIT PETITION NO. 8796 OF 2022**

Radhika Nandakishor Mote. ... Petitioner
Versus
Idzes Angmo Kundan, Principal
Secretary, School Education & Ors. ... Respondents.

Mr. C.B. Gavnekar a/w. Anvi Rohit Parab, for the Petitioner.
Mr. P.P. Kakade, Addl. G.P. with Mr. V.M. Mali, AGP for Respondent
Nos. 4 & 7/State.

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

DATE : 12th FEBRUARY, 2025

P.C. :

1. We have perused the Judgment of this Court dated 3rd October, 2023 delivered in Writ Petition No. 8796 of 2022. The directions issued by this Court are clear from paragraphs 4, 5 and 6, which read thus :

“4. We are not inclined to accept the argument of learned AGP for the State for the reason that the question of pension or the reason being aided or not aided is not relevant for the purpose of calculating the partial service rendered by the Teacher, with a view to make a discrimination about eligibility of pensionary benefits in terms of Rule 57 of the Rules, 1982, and therefore, the argument is rejected. Otherwise, as stated earlier, facts of this case are similar to those involved in the case of Ashok Laxman Sasthe

(supra), which itself relies upon the view taken by this Court in the case of Jyoti Prakash Chougule Vs. State of Maharashtra & Ors., in Writ Petition No.2354 of 2012. That being so, this petition deserves to be allowed and we do so.

5. We direct that the continuous part time service as a Teacher rendered by the petitioner shall be counted for the purpose of pension in terms of Rule 57 of the Rules, 1982 in particular Note 1 thereof, and accordingly. pensionary benefits shall be made available to the petitioner within a period of twelve weeks from the date of receipt of this order.

6. We also direct the respondents to transfer the amount contributed by the petitioner from DCPS scheme to Provident Fund Account (PF) within a period of twelve weeks from the date of receipt of this order.”

2. In the above backdrop, we have perused the order passed by the Deputy Director, Education, Kolhapur Division, Kolhapur Shri Mahesh Jagannath Chauthi(undated), though the order carries a date of the hearing in the matter, as 12.1.2024. The conclusions drawn by Shri Chauthi apparently have a semblance of sitting over the order of this court and despite this Court having drawn its conclusion, he has come to a diagonally opposite conclusion and refused to obey the orders of this Court. He has also mentioned in paragraph 4 that the order of this Court dated 3.10.2023 (wrongly typed by him as 03.10.2022) is challenged in SLP Diary No. 9059 of 2023. Hence, he has concluded that only after the Hon’ble Supreme Court decides the SLP, that he will obey the order of this Court.

3. The learned AGP is unable to point out any stay order by the Hon'ble Supreme Court. The learned Advocate for the Petitioner submits that no such interim order has been passed by the Hon'ble Supreme Court.

4. **Issue notice under the Contempt of Courts Act** to Respondent No. 3 Shri Mahesh Jagannath Chauthe, in the format prescribed, returnable on **19th March, 2025**. Respondent No. 3, shall be at liberty to file an affidavit in reply at least 10 days prior to the returnable date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)