

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

**CONTEMPT PETITION NO.451 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.52 OF 2022**

Aqueel Khaleel Mujawar

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

...

Mr. Hanif Shaikh, Advocate for the Petitioner

Mr. O. A. Chandurkar, Additional Government
Pleader and Ms. G. R. Raghuwanshi, AGP for the
Respondent Nos.1 and 3.

Mr. V. S. Khanavkar i/b. Mr. Kedar Dighe,
Advocates for the Respondent No.2.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 4th NOVEMBER 2025

P.C. :

By an order dated 26th April 2023, the following directions were
issued in Public Interest Litigation No.52 of 2022:

*"1. We have heard the learned counsel for the petitioner and
the respondent no.2/Municipal Corporation.*

*2. The grievance of the petitioner appears to be the deficiencies
existing in non-filling of the posts of teaching and non-teaching
staff, non-maintaining the Pavitra Portal for Urdu medium teachers.
The basic facilities of the benches not being provided with.
Reliance is placed by the learned counsel on the various affidavits
filed from time to time to contend that there are 55 vacancies of the
teaching staff and also non-availability of the basic facilities. It is
also further submitted that the class-rooms are also not available.
In Jadav Wadi School 300 students are being taught in one class-
room.*

3. *The contention of the learned counsel for the respondent is that the staff has been filled in every school. As far as Jadav Wadi School is concerned, the school would shift in the new building on 1st June, 2023. It is submitted that the required facilities of benches have been provided to the students. The teaching and non-teaching staff has been filled in as admissible and sanctioned. The class-rooms exist for all the students.*

4. *The primary education is now held to be fundamental right of the children aged between 5 to 14 years. As primary education has been brought within the contour of fundamental right, it is the duty of the State and its instrumentalities to provide for the education with all attending facilities and requirements. Education Officer is the supervisory head. He has to see that all the necessary facilities are provided with. The recruitment is being done as per the roster. The roster will have to be followed.*

5. *One of the grievances is that Pavitra Portal is not being maintained in respect of Urdu medium teachers.*

6. *It is made clear that if Pavitra Portal is not being maintained for Urdu medium teachers, the same shall be maintained. Immediate action shall be taken in respect of the same and the Pavitra Portal shall be made operational for Urdu medium teachers also within a short time.*

7. *The Education Officer is expected to verify that appointments are being made about teaching and non-teaching staff as per roster and as per the sanctioned posts. The duty is cast upon the Education Officer. If required number of posts are not being filled, then necessary directions shall be issued by the Education Officer to the Municipal Corporation. The Municipal Corporation shall provide for all the basic facilities, as such benches, class-rooms, adequate teachers and the non-teaching staff. In case there are some vacancies, the Corporation shall take steps to fill the same as per the sanctioned posts.*

8. *With the aforesaid observations and directions, the PIL petition stands disposed of. No costs."*

2. As to the pavitra portal being made operational, there is no grievance raised in the present petition. Regarding the appointment of teachers and the provision for basic facilities, the learned counsel for the petitioner states that as many as 83 posts of teachers are still vacant and many schools do not have provision for washrooms.

3. A contempt petition seeking initiation of proceedings under the Contempt of Courts Act, 1971 must be based on a clear and indisputable facts. Having regard to the nature of the contempt proceedings which is *quasi* criminal in nature, the Courts do not entertain petitions on vague assertions and where the facts are hazy. Contempt Petition No.451 of 2024 is apparently without any foundational facts and liable to be dismissed.
4. Ordered accordingly. However, we would reiterate the directions issued by this Court in Public Interest Litigation No.52 of 2022 which are reproduced hereinabove.
5. The respondent-Director of Education shall issue necessary instructions for filling-up vacant posts of teachers as per the extant rules, circulars and guidelines.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]