

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

CONTEMPT PETITION NO. 639 OF 2024

Dnyansagar Shikshan Prasarak

Mandal & Ors.

... Petitioners.

Versus

Smt I A Kundan.

... Respondent.

Mr. Narendra V. Bandiwadekar, Sr. Advocate a/w. Mr. Vinayak R. Kumbhar, Mr. Aniket S. Phapale, i/b. Ashwini N. Bandiwadekar, for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. with Mr. Vikas M. Mali, AGP for Respondent/State.

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

DATE : 12th FEBRUARY, 2025

P.C. :

1. The Petitioners had approached this Court in Writ Petition No. 6537 of 2014. Petitioner No. 1 is the Management and Petitioner Nos. 2 and 3, are its employees. Vide Judgment dated 29.9.2021, this Court recorded in paragraphs 31, 32 and 33 as under :

“31. In this view of the matter, we are inclined to exercise our writ jurisdiction in the matter. The decision at item No.4 of the Minutes dated 20th February 2014 is not tenable in the circumstances and is accordingly quashed and set aside.

32. We accordingly direct the first respondent to grant the proposal of the first petitioner for sanction of one post of clerk and one post of peon in respect of petitioners no. 2 and 3 in accordance with our aforesaid observations and release grant and

other dues payable on such approval from the initial date of appointment of the petitioners no.2 and 3 within four weeks from today.

33. We direct the first respondent to enter the name of the petitioners no. 2 and 3 in Shalarth ID within two weeks from the date of granting approval in the name of the petitioners no. 2 and 3 to the said post.”

2. Since the above directions were not complied with, the Petitioners filed Contempt Petition No. 297 of 2022. In the order dated 17.8.2022, the statement made by the then Administration Officer (now Administration Officer of the Corporation, Education Department) Respondent No. 2 herein, that, the approval has already been granted to the Petitioner employees, was recorded. Hence, this Court directed that proposal for the Shalarth I.D. be submitted within 2 weeks and Shalarth ID be granted within 3 weeks.

3. The grievance of the Petitioners is that a false statement was made across the bar that approval was granted on 3.10.2022. Instead of granting the Shalarth I.D., Respondent No. 4 who is the Divisional Deputy Director, Education, Mumbai, has conveyed to the Education Officer (Secondary), Zilla Parishad, Thane, vide letter dated 16.10.2024, that the Petitioner No. 2 should be declared surplus and should be absorbed in another school.

4. Prima facie, we have gathered an impression that Respondent No. 2 herein has made a false statement in Contempt Petition No. 297 of 2022. So also, prima facie, Respondent No. 4, Deputy Director, Education, Mumbai Division, has ignored the orders of this Court, when the SLP No. 15854/2022 filed by the School Board (presently the Corporation), was dismissed by order dated 15.9.2022.

5. **Issue notice under the Contempt of Courts Act** in the format prescribed, to Respondent No. 2 Shri Deepak Dhangar and Respondent No. 4 Shri Sandip Sangave, returnable on **12th March, 2025**. Needless to state, these two persons are at liberty to enter their affidavit in reply, prior to the returnable date.

6. The matter to be listed on **supplementary board** in the “**Urgent Admissions**” category.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)