

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4964 OF 2025**

N.M.V. High School & College & Anr. .. Petitioners

vs.

Bharat Dagadu Kshirsagar & Ors. .. Respondents

ALONGWITH

WRIT PETITION NO.5142 OF 2025

Bharat Dagadu Kshirsagar .. Petitioners

vs.

State of Maharashtra & Ors. .. Respondents

Ms.Meena H. Doshi (Through VC) for the Petitioners in WP No.4964/2025.

Dr.Uday Warunjikar i/b Ms.Sonali Chavan , for the Petitioner in WP No.5142/2025 and for Respondent No.1 in WP No.4964/2025.

Ms.Nisha Mehra, AGP for the State.

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

DATE : 8th OCTOBER, 2025.

P.C.

1. This matter is listed today for compliance of the directions issued in the Judgment dated 29th April, 2025.

2. We had granted five months' time for a systematic, step-by-step action to be taken to ensure that the pension amounts are released and arrears are paid along with the interest component. We have already concluded in the said Judgment that the concerned officers were behaving in a heartless manner while dealing with the case (see Paragraph 19 of the Judgment).

3. In view of the above, we passed the following order below Paragraphs 22 to 26 :-

*“22. Having been convinced that the Resolution indicates the decision of the Management and it's decision of posting the Employee to the post of full time Assistant Teacher, **these Writ Petitions are allowed**. The impugned order dated 7th May, 2024 is quashed and set aside. The approval to the full time Assistant Teacher appointment of the Employee shall be made effective from the date of his appointment on the full time post. Consequentially, prayer clause (b) is granted.*

23. A formal order of granting approval in the light of the above shall be issued by Respondent No. 3, within a period of 15 days from today. Thereafter, the Management would forward the bills as per the scales admissible to the Employee, within a period of 15 days from the date of issuance of the the formal order of approval. The concerned Authority would sanction the said bills, within a period of 15 days, thereafter. We grant simple interest at the rate of 6% per annum from the date the payment was due. This amount would also be calculated by the Management and be added in the bills which would be cleared by the concerned Authority.

24. The pension papers would be prepared by the Management and would be forwarded to the concerned Authority which would transfer the same to the Office of the Accountant General, within a period of 15 days from the date of receipt of the pension proposal. The Accountant General would clear the proposal, within a period of 15 days, thereafter. In short, the arrears of the pension, with the interest component, as well as the first regular monthly pension shall be payable to the Employee in the month of August, 2025.

25. We direct the Principal Secretary of the State of Maharashtra to commence a responsibility fixing exercise for all that has happened in this case leading to the delay and payment of interest to the Employee. Once the responsibility is fixed by following the due procedure laid down in law, the interest component should be recovered from those Officers who have contributed to the delay. Needless to state, we would not express any opinion and we would leave it to the procedure to be followed by the Principal Secretary, Higher and Secondary Education Department, Mantralaya, Mumbai and the wisdom of the Principal Secretary, to draw his won conclusions.

26. Let this exercise be completed, within a period of four months from today. Let a compliance report be tendered before this Court, on 30th September, 2025.”

4. The learned AGP has tendered an Affidavit of compliance filed by Dr.Ganpat More, the Deputy Director of Education, Pune Region, Pune, who is present in the Court Hall, along with certain documents from Page Nos.150 to 162.

5. It prima-facie appears that the Director of Education Dr. Mahesh Palkar and the Principal Secretary Education Department Mr.Ranjitsing Deol have kept these proceedings pending at their end. After the matters has now come up for compliance before us, a stand is taken that the objections were raised as to whether DCPS or OPS should be made available.

6. The learned Advocate for the Petitioner is right in

submitting that the proposal which has been tendered to the Authorities, has to be dealt with. If the Authorities are agreeing to give the DCPS, it would be a new cause of action for which the Petitioners may avail of a remedy. But not taking any decision and keeping the matter hanging in suspended animation and taking an iniquitous stand before the Court on the date the compliance is to be reported, is a deliberate and wilful act.

7. Prima-facie we agree with the submissions of the learned Advocate for the Petitioner. Therefore, we are suo-moto initiating Contempt of Court proceedings against Dr.Mahesh Palkar, Director of Education, Pune, State of Maharashtra, and the Principal Secretary of the Education Department Mr. Ranjitsing Deol.

8. Office to register the suo-moto contempt proceeding and notice be issued to both these Authorities in the format prescribed, within 7 working days from today, returnable on 26th November, 2025.

9. Writ Petition filed along with all documents and annexures, be tagged with the Contempt Proceedings, for reference purpose.

10. Until the returnable date, we are granting an opportunity to Dr. Mahesh Palkar and Mr.Ranjitsing Deol to comply with the directions of the Writ Court.

(ASHWIN D. BHOBE, J)

(RAVINDRA V. GHUGE, J.)