

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 174 OF 2025

IN

WRIT PETITION NO. 1825 OF 2025

Omeshwari Sukhlal Bharsak

...Petitioner

Versus

Annasaheb T. Pathare & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 6485 OF 2025

IN

WRIT PETITION NO. 1825 OF 2025

- Mr. Dnyaneshwar W. Bhosale, for Petitioner.
- Mr. Sagar A. Mane, for Respondent Nos.1 to 4.
- Ms. Vaishali S. Nimbalkar, AGP for Respondent No.7 – State.

CORAM : MANISH PITALE, J.

DATE : 10th JUNE 2025.

P. C. :

1. This Contempt Petition has been filed by the petitioner on the basis of judgment and order dated 11th November 2024, passed by the School Tribunal at Pune, whereby an appeal filed by the petitioner was allowed, termination of her service was set aside and she was granted reinstatement to her original post with full back wages and consequential benefits. The Tribunal directed that the directions issued in favour of the petitioner be operated within 30 within days of the order of the Tribunal.

2. The respondent – management filed Writ Petition No.1825 of 2025, challenging the said judgment and order of the Tribunal. On 13th

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February 2025, this Court granted Rule in the writ petition and specifically refused interim relief.

3. It is the case of the petitioner that in these circumstances, the respondents are liable to be punished for contempt as they have not complied with the directions contained in the order dated 11th November 2024, passed by the Tribunal, even in the face of the fact that this Court specifically refused interim relief in the aforesaid writ petition. It is brought to the notice of this Court that although the petitioner was reinstated, the order of the Tribunal has not been complied with in its entirety.

4. In this context, the learned counsel appearing for the respondent Nos.1 to 4 submits that as per the position of law laid down by this Court in similar circumstances, the contempt petition is not maintainable as the petitioner is entitled to institute appropriate proceedings before the Tribunal under Sections 11 and 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (MEPS Act). He relies upon judgments of this Court in the case of **Mohammad Salam Anamul Haque Vs. S. A. Azmi¹** and **Smt. Ahemadi Siddiqui Abdul Majid Vs. The State of Maharashtra and Others²** and order dated 08th May 2024, passed in Contempt Petition No.574 of 2023, in support of the aforementioned contention.

1 2001 (1) Mh.L.J. 249

2 Writ Petition No.2036 of 2022, dated 20.06.2022

5. This Court has perused the said judgment and orders. In similar circumstances, this Court has held that entertaining contempt proceedings in such circumstances would amount to converting this Court into an Executing Court, despite the fact that the statutory provisions under Sections 11 and 13 of the MEPS Act, provide sufficient opportunity to such an aggrieved petitioner to approach the School Tribunal for execution of the order of the Tribunal in its entirety.

6. This Court is of the opinion that the contention raised on behalf of respondent Nos.1 to 4 deserves to be accepted in the light of the settled position of law. In the light of this Court specifically refusing interim relief in the writ petition filed by the respondent – management, it is evident that the petitioner is at liberty to take appropriate steps for execution of the order of the Tribunal. The petitioner can invoke the aforesaid statutory provisions to ensure that the relief granted by the Tribunal in her favour inures to her benefit in its entirety.

7. In view of the above, the instant contempt petition is disposed of, with liberty to the petitioner to institute appropriate execution proceedings before the Tribunal, which shall be decided expeditiously and in accordance with law.

(MANISH PITALE, J.)