



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION (WP) NO. 6068 OF 2016

Narendra Ganpatrao Redlewar

.Vs.

The Joint Director Higher Education, Nagpur Division, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr P. N. Shende, Advocate for the petitioner
Mr S. M. Uikey, Addl. GP for respondent/State

CORAM : ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.
DATED : JULY 24, 2025.

CIVIL APPLICATION (CAW) 2290 OF 2023

Heard.

2. For the reasons stated in the application, the application for grant of early hearing is allowed.

3. The civil application stands **disposed of**, accordingly.

WRIT PETITION NO. 6068 OF 2016

4. Heard.

5. In the present matter, the petitioner was appointed as a 'Library Attendant' on 01.06.1991 and after finding his services satisfactory his proposal was forwarded for grant of approval, however the same came to be rejected. Thereupon, the writ petition was filed namely Writ Petition No. 3033 of 1996 wherein this Court on 09.12.1996 ordered to maintain status-quo.

6. The petitioner was working on the post of 'Library Attendant' on the date of the order of status-quo. Accordingly, he was continued in the service. The said writ petition was disposed of on 03.09.2012.

7. This Court, while disposing of the said writ petition, with direction to the Joint Director, Higher Education, Nagpur Division, Nagpur (for short 'the Joint Director'), to consider the case the petitioner for grant of approval, has observed in para 5 thus:

"5. In this situation, both learned Counsel are trying to either assert or oppose the respective contentions. However, as petitioner has continued to work because of interim orders passed by this Court and his Management was supposed to pay him, it will be appropriate to direct Joint Director, Higher Education, Nagpur Division, Nagpur to consider the strength of students available today and to find out whether approval can be given to services of present petitioner, if it is not already granted. Said Officer shall also attempt to find out whether in past, due to alleged increase in strength of students, such approval could have been granted." (emphasis supplied)

8. From the above referred para it is evident that it was expected that the Joint Director shall consider the strength of the students as on 03.09.2012 to find out whether the approval can be granted to the services of the present petitioner. However, the impugned order dated 31.01.2013 rejecting the proposal for grant of approval to the

appointment of the petitioner as 'Library Attendant' does not depict that the Joint Director has complied with the order of this Court dated 03.09.2012.

9. On the contrary, according to us the order is in complete non-compliance of the direction of this Court. Non-compliance for the reason that this Court issued the above referred directions on 03.09.2012 and the Joint Director was directed to consider the strength of students available as on the date of Judgement i.e. 03.09.2012. The chart reproduce in the body of the impugned order shows that from 2008-09 onwards there was no excess post. On the contrary in 2010-2011 there was one vacancy and in 2011-2012 there were two vacancies.

10. Despite this, the Joint Director, in complete disregard to the directions of this Court, passed the impugned order.

11. We are of the opinion that the Joint Director has committed a contempt by not strictly complying with the directions of this Court. However, instead of initiating such proceeding we are of the opinion that one opportunity shall be given to the Joint Director to rectify his mistake and to comply the order dated 03.09.2012 in its letter and spirit.

12. Accordingly, we **partly allow** the writ petition.

13. The order dated 31.01.2013 passed by Joint Director, Higher Education, Nagpur Division, Nagpur is hereby quashed and set aside.

14. The proposal of the petitioner is remitted back for fresh consideration in the light of para 5 of the Judgment dated 03.09.2012 passed in Writ Petition No. 3033 of 1996.

15. The Joint Director, Higher Education, Nagpur Division, Nagpur shall take decision within eight weeks from the date of receipt of this order by following due procedure of law.

16. The writ petition stands **disposed of**, accordingly.
No order as to costs.

[VRUSHALI V. JOSHI, J]

[ANIL S. KILOR, J.]