

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

CIVIL APPLICATION (N) NO.103 OF 2024

IN

CONTEMPT PETITION NO.25 OF 2020 (D)

IN

WRIT PETITION NO.6381 OF 2019 (D)

[Manisha Rajendra Kamble ..vs.. Praful Madhukarrao Khode and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr S. D. Chande, Advocate for Applicant/Petitioner.

Mr B. G. Kulkarni, Advocate for Non-Applicant/Respondent Nos.1 and 2.

Ms K. Marpakwar, AGP for Respondent No.3.

CORAM : ANIL L. PANSARE, J.

DATE : 7th JANUARY, 2025.

1. On 12.12.2024, following order was passed.

“Heard for some time.

2] One of the issues that arises for consideration is whether in absence of the applicant/petitioner having been transferred and posted in grant-in-aid School, can grant be released by the State Government in terms of order passed by the Hon’ble Supreme Court.

3] Another issue is once the order of this Court has merged into the order passed by the Supreme Court, is contempt petition maintainable as filed by the petitioner.

4] The learned Counsel for the parties to make submissions on these points.

5] Ms Manisha Bhadang, Education Officer (Secondary), Zilla Parishad, Wardha, is present. Her presence is exempted until further orders.

6] List after vacation.”

2. I am informed that the contempt petition has been disposed of by this Court *vide* order dated 02.07.2024. This Court, instead of going into the aspect as to whether the contempt has been committed or not, thought it proper to dispose of the petition by directing the parties to act in terms of order dated 11.01.2024 passed by the Hon'ble Supreme Court in Civil Appeal No.7018 of 2021.

3. Having issued direction to act in terms of the order passed by the Supreme Court, the counsel for petitioner showed his satisfaction that the purpose of filing petition was served for the time being and accordingly, order on contempt was not pressed.

4. The petitioner is now pressing for orders in contempt proceedings on the ground that the order dated 02.07.2024, disposing of the contempt petition has been not complied with.

5. In my view and strictly speaking, the contempt if any would be of the order passed by the Hon'ble Supreme Court, as has been noted in order dated 12.12.2024. The remedy for contempt, therefore, will lie before the Supreme Court. The Petitioner may pursue the same accordingly. The present application seeking punishment for non-compliance of order passed by the School Tribunal which has now merged into the order passed by the Supreme Court is, thus, not maintainable. The application stands **dismissed** accordingly.

JUDGE