



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

Civil Application (CAW) No. 228 of 2025

and

Writ Petition No. 636 of 2019

[Secretary, Prabhu Vishwakarma Gramin Bahu Uddeshiya Shikshan Sanstha,
Wardha Shri P. V. Wandhare ..vs.. Tulsiram s/o Rushi Sahare and ors.]

with

Contempt Petition No. 7 of 2018

[Tulsiram Rushi Sahare ..vs.. Praful Vasant Wandhare]

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

Court's or Judge's orders

Mr. S. V. Sohoni, Advocate for the applicant/respondent no. 1 in CAW 228/25

Ms. P. C. Bawankule, AGP for respondent nos. 2 to 5 in WP 636/19

Mr. R. N. Deshpande, Advocate for the respondent in CP 7/18

CORAM : ANIL L. PANSARE J.

DATED : 11-03-2025

Heard for some time.

2. By present civil application, respondent no. 1 is seeking to dismiss the petition on the ground that the petitioner has made misleading statements before the Court as also before respondent no. 5 – Social Welfare Officer.

3. It appears that the services of respondent no. 1, who was working as Special Teacher in the school run by petitioner was orally terminated on 20-2-2010. Respondent no. 1 approached appellate authority i.e. Regional Deputy Commissioner, Social Welfare Department, Nagpur, who has, vide order dated 9-12-2016, quashed and set aside the oral termination and directed petitioner to reinstate respondent no. 1.

4. It appears that the petitioner did not comply with the aforesaid directions and thereafter respondent no. 1 approached this Court by invoking contempt proceedings. Initially notices were issued to the petitioner, who did not

appear and, therefore, bailable warrant came to be issued. Despite issuance of bailable warrant, the petitioner did not appear and, therefore, on 7-9-2018, non bailable warrant was issued. Thereafter, the petitioner appeared in the contempt petition sometimes, on or about 9-5-2019.

5. In the meantime, on 18-9-2018, the petitioner filed present writ petition challenging order passed by the appellate authority. On 4-7-2019, joint pursis was filed by the petitioner and respondent no. 1 in writ petition, wherein the parties agreed that respondent no. 1 will be reinstated in service with effect from 8-7-2019 with continuity in service. It was further agreed that the petitioner will immediately send proposal to the Social Welfare Department for grant of approval to the reinstatement. Accordingly, this Court vide order dated 4-7-2019, directed the petitioner – society to take immediate steps for sending proposal for approval. It appears that thereafter petitioner – society permitted respondent no. 1 to join the duties as Special Teacher.

6. Learned counsel for the applicant/respondent no. 1 submits that on 16-7-2019, an incomplete proposal dated 12-7-2019 was forwarded to respondent no. 5. On 31-7-2019, the petitioner – society sworn in affidavit stating therein that respondent no. 1 is not possessing requisite qualification and, therefore, approval should not be given. The petitioner in the affidavit also stated that it intends to file writ petition in connection with the aforesaid fact.

7. Thus, it appears that despite present writ petition having been pending before this Court, the aforesaid affidavit sworn in by the petitioner is submitted before respondent no. 5. What is surprising is respondent no. 5 has not even taken cognizance of said statement in the sense, respondent no. 5 is party to the present petition and, therefore, is well aware of the

pendency of the same. That being so, respondent no. 5 should have sought explanation from the petitioner as to why is misleading statement made in the affidavit.

8. Learned Assistant Government Pleader seeks time to take instructions in this regard. Time granted. Let there be detail reply on the steps taken by respondent no. 5 against the misleading statement made in the aforesaid affidavit.

9. As such, none is appearing for the petitioner and, therefore, the application could be decided as not contested. However, Mr. R. N. Deshpande, learned counsel who is appearing in connected matter i.e. Contempt Petition No.7/2018 for the respondent (who is petitioner in writ petition), initially said that he has no instructions to appear for the petitioner in writ petition, now said that he has been instructions to appear in writ petition and to seek time as well. Time granted.

10. The petitioner, however, shall remain present before the Court on next date. The petitioner is put to notice that both matters viz. writ petition and contempt petition will be taken up for final hearing on the next date.

11. The petitioner shall justify his conduct, which indicates adoption of delaying tactics and shall also justify filing affidavit dated 31-7-2019 before respondent no. 5 and shall also show cause as to why petition should be not dismissed for the reasons noted in the order today.

12. List in the week commencing from 7-4-2025.

(Anil L. Pansare, J.)