



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

CONTEMPT PETITION NO.41 OF 2025

IN

WRIT PETITION NO.1204 OF 2024(D)

Subhash Krushnarao Pawar

Vs.

Suresh Gulabrao Nikam and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.M. Vaishnav, Advocate for the Petitioner.

Mr. P.A. Kadu, Advocate for the Respondent.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 13th OCTOBER, 2025

1. Heard Mr. S.M. Vaishnav, learned counsel for the petitioner and Mr. P.A. Kadu, learned counsel for the respondent.

2. The present contempt petition is filed by the petitioner with a prayer that the respondent be punished for willful disobedience of the judgment passed by this Court in Writ Petition No.1204/2024 dated 08.10.2024.

3. Learned counsel for the petitioner would submits that as the School Tribunal passed an order whereby, the appeal filed by the petitioner was partly allowed and the termination order was set-aside. The said order was challenged by the management by filing the Writ Petition No.1204/2024 and this Hon'ble Court dismissed the writ petition filed by the management. Therefore, he contended that the management has not

complied with the order passed by the School Tribunal and once this Hon'ble Court dismissed the writ petition filed by the management then the respondent needs to be dealt in accordance with the Contempt of Courts Act, 1971. Learned counsel for the petitioner submits that as there are directions against the Execution Officer, in pursuance of which Education Officer issued notice to the management directing it to comply the order passed by the School Tribunal. Considering this fact, he submits that the present contempt petition is maintainable and in support of this, he relies upon the following judgments :

(1) ***Chandrakant Ganpat Shelar and Others Vs. Sophy Keely, Hill Garange High School, Bombay and Others***, reported in 1987 Mh.L.J. 1012 decided on 18.08.1987.

(2) ***Ashok Sitaramji Thakare and Others Vs. Kumari Mangala and Another***, reported in 2021 SCC OnLine Bombay 1725 decided on 11.08.2021.

(3) ***Ravi Ulhas Rathod, Nanded Vs. Suresh Parashram Rathod and Others*** in CP No.177/2020 decided on 10.12.2021 passed by Bombay High Court, Nagpur Bench.

(4) ***Rama Narang Vs. Ramesh Narang and Others*** reported in (2006) 11 SCC 114 decided on 12.04.2006.

(5) ***Balbeer Singh and Another Vs. Baldev Singh (D) through his legal heirs and Others*** in Civil Appeal No.536-566/2024 in Special Leave to Appeal No.22802-22805/2022 decided on 17.01.2025 passed by the Hon'ble Apex Court.

(6) ***All India Union Bank Officer Vs. Brajeshwar Sharma*** in CP No.570/2020 decided on 02.09.2020 passed by High Court of Madras.

(7) ***Mohammad Salam Anamul Haque Vs. S.A. Azmi and Others***, reported in 2001(1) Mh.L.J. 249 decided on 25.04.2000.

4. Per contra the learned counsel for the respondent management submitted that there is no any

order passed by this Court and a writ petition was filed by the management which was dismissed and therefore, he contended that present contempt proceeding filed before this Court is not maintainable.

5. It is an admitted fact that there is no any mandatory direction/order passed by this Court in the petition filed by the management. If the petitioner is aggrieved that the order passed by the learned School Tribunal was not being implemented, then the petitioner ought to have filed the proceedings under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short "MEPS Act").

6. After hearing learned counsels for both the parties at length and after going through section 13 of the MEPS Act, to resolve the controversy, it is necessary to refer Section 13 of the MEPS Act, which is as follows :-

"13. Penalty to Management for failure to comply with Tribunal's directions :-

(1) If the Management fails, without any reasonable excuse to comply with any direction issued by the Tribunal 2[under section 11 or any order issued by the Director under clause (a) of sub-section (1) or sub-section (4) of section 4A within the period specified in such direction, or as the case may be, under sub-section (5) of section 4A or within such further period as may be allowed by the Tribunal or Director as the case may be,] the Management shall, on conviction, be punished,—

(a) for the first offence, 1[with imprisonment for a term which may extend to fifteen days or with fine which may extend to fifty thousand rupees, or with both] :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine shall not be less

than 2[ten thousand rupees] ; and

(b) for the second and subsequent offences, 3[with imprisonment for a term which may extend to fifteen days or with fine which may extend to seventy-five thousand rupees, or with both] :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine shall not be less than 4[twenty thousand rupees].

(2) (a) Where the Management committing an offence under this section is a society, every person, who, at the time the offence was committed, was in charge of and was responsible to the society, for the conduct of the affairs of the society, as well as the society, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any person liable to the punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of the offence.

(b) Notwithstanding anything contained in clause (a), where the offence has been committed by a society and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any president, chairman, secretary, member, Head or manager or other officer or servant of the society, such president, chairman, secretary, member, Head or manager or other officer or servant concerned shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. ”

7. In view of the fact that there is no any order passed by this Court, and a writ petition filed by the management was dismissed. I am of the opinion that present contempt petition is not maintainable. However, it is made clear that if the petitioner wants to take recourse under Section 13, the petitioner is at liberty to do so as is permissible under the law. If the petitioner is having any other remedy seeking execution of the order passed by the learned School Tribunal, the petitioner may avail the same.

8. In view thereof, the contempt petition is **dismissed** as not maintainable.

(SIDDHESHWAR S. THOMBRE J.)

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