

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 1115 of 2024****In****R/SPECIAL CIVIL APPLICATION NO. 4785 of 2010**

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**REKHAKUMARI AVADHNARAYAN DUBE****Versus****PRAMODKUMAR @ RAMESH SIDDHNATH DUBEY & ORS.**

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**Appearance:****CHINTAN K GANDHI(8600) for the Applicant(s) No. 1****MS MONA GUPTA for MR NV GANDHI(1693) for the Opponent(s) No. 1,2,3****NOTICE SERVED BY DS for the Opponent(s) No. 4**

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**CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA****and****HONOURABLE MS. JUSTICE GITA GOPI****Date : 28/04/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. Pursuant to the order dated 25.04.2025, the respondent No.3-Ashokkumar Siddharth Dube, Secretary cum Trustee is present before this Court. The presence of the respondents No.1 to 3 is not further required as they have already reinstated the applicant.

2. Learned advocate Mr. Mona Gupta appearing with learned advocate Mr. N.V. Gandhi for the respondents No.1 to 3 has tendered an affidavit on behalf of the respondent No.2. The Secretary cum Trustee has

tendered his unconditional apology in the Affidavit The same are ordered to be taken on record. As per the contents of the affidavit and as submitted by learned advocate Mr. N.V. Gandhi, the applicant has already been reinstated in service. However, the school / trust intimated the present applicant that further action is required to be undertaken by the District Education Officer (DEO).

3. Under the circumstances, in order to see the *bonafide* of DEO as to whether he validates the action of the respondent-Trust, the matter is ordered to be listed on **top of Board on MAY 5, 2025**. By the next date of hearing, we direct the DEO to take necessary steps as directed by the learned Single Judge vide order dated 12.01.2023.
4. Learned AGP at this stage, has submitted that since the DEO was not a party to the settlement, the same cannot be approved and it is illegal.
5. We do not subscribe to the view expressed by the learned AGP in view of the categorical order dated 12.01.2023, wherein the DEO was represented by the learned AGP and he was a party respondent. When the learned

Single Judge had passed the order on 12.01.2023, no objection with regard to the settlement was taken before the learned Single Judge and the learned Single Judge had disposed of the writ petition by directing the respondent authorities to act as per the settlement.

6. Thus, in wake of such directions and the no objection raised before the learned Single Judge relating to the settlement between the Trust and the applicant, this Court while examining the proceedings under the Contempt of Courts Act, cannot delve into such an issue and there is no option left to the DEO but to follow the directions issued by the learned Single Judge.

Sd/-  
**(A. S. SUPEHIA, J)**

Sd/-  
**(GITA GOPI, J)**

CAROLINE / SB-1 # 3

Original copy of this order has been signed by the Hon'ble Judges.  
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 30/04/2025 16:13:06