

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 207 OF 2012
IN
WRIT PETITION NO. 9344 OF 2010

Garima Nitendrasingh Thakur ... Petitioner

V/s.

Shri Shivaji Jondhale & others ... Respondents

Ms. Jyoti Chavan for the petitioner.

Mr. P.P. Kakade, AGP for the State-respondent no.11.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

14th August, 2015.

P.C.

By an order dated 8th December, 2010 passed in Writ Petition No. 9344/2010, this Court recorded statement of the learned AGP appearing therein that the decision in relation to caste claim of the petitioner herein will be taken by the scrutiny committee within a period of four months from the date of said order. Unfortunately, it transpires that decision was taken on 31st March, 2012. The Contemnors submit that necessary action is required to be taken for violating the order passed by this Court.

2. One of the grievance of the petitioner is that an application was made to the Committee for supplying copy of the order of the Committee.

The Committee claimed that order was passed on 31st March, 2012. The postal endorsement according to the petitioner shows that copy of the order was dispatched on 13th June, 2012. It is submitted that stand of the Committee that the order was passed on 31st March, 2012 does not seem to be a correct one.

3. Affidavit-in-reply is filed by Research Officer, Divisional Caste Scrutiny Committee No.1, Konkan Bhavan, Navi Mumbai. The deponent has tendered unconditional apology for the inconvenience caused to the Court. It is submitted that there was no intention to delay the decision or to disobey the orders passed by this Court.

4. The deponent has narrated the sequence of events and dates which culminated into the passing of final order by the Committee. In para-3 the deponent states as under:-

“3. I say that we have received the application of Miss Garima N. Thakur for caste validity certificate of her caste through the Principal, K.E.T.S. Waje College, Mulund, Mumbai. The Petitioner has obtained her caste certificate as Rajput Bhamta from the Sub Divisional Officer, Thane dated 27/09/2002. Along with her application, she had submitted documents as under:

- 1) Her caste certificate from the Sub Divisional Officer, Thane as Rajput Bhamta.
- 2) Her father's School Leaving Certificate in which her father's caste is shown as 'Hindu Bigar Magaslela'.

- 3) Applicant's Father's caste certificate from Jalgaon in which caste is recorded as "Rajput Bhamta".
- 4) Applicant's Father's validity certificate issued by the Divisional Caste Certificate Scrutiny Committee, Nashik in which caste is recorded as Rajput Bhamta (Vimukta Jati)
- 5) Cousin uncle's caste validity certificate.
- 6) Cousin aunt's caste validity certificate.
- 7) Applicant's School Leaving Certificate of Saraswati Edu. Society high School, Thane.

After considering all the documents submitted by the Petitioner, the Committee found that Applicant's caste certificate No. TD/II/MAG/CC/SR-259, dtd. 27/09/2002 is issued by the Sub Divisional Officer, Thane and they informed the Committee by their letter dated 8/6/2010 that Rajput Bhamta caste is listed at Sr. No.10 of Vimukta Jati on 21st November, 1961.

It means that the Petitioner or her father is residence in State of Maharashtra should be prior to 1961. However, according to School Leaving Certificate of Petitioner's father, his birth date is shown as 21/7/1964 and place of birth is not mentioned in birth column. I say that the Petitioner neither submitted to the Committee any evidence of residence proof prior to 1961 in State of Maharashtra nor school's documentary evidence or revenue documents."

5. No doubt, delay of near about two years is abnormal one. We find that in respect of the order passed by this Court in some matters, the respective caste scrutiny committees have failed to obey the orders which resulted into lot of inconvenience to the parties.

6. It is informed by the State that Government is looking into various issues concerning functioning of the scrutiny committee. The State shall take necessary steps so that the Committees function properly and time bound orders passed by the Court are complied with. The Committee shall be instructed that in cases where the Committee is unable to comply with the deadline in deciding the time bound matters then at least an appropriate application shall be made seeking extension of time. We do not find that any such application was preferred for seeking extension of compliance of the order. Such lapses call for serious introspection.

7. The State shall issue appropriate instructions to Caste Scrutiny Committees to be vigilant and prompt in complying with the orders passed by this Court to avoid any further inconvenience to litigants or suffer adverse Court orders.

8. Considering the submissions advanced, there seems to be serious doubt raised as to whether the Committee passed final order on 31st March 2012. We direct the Secretary, Social Works Department, Government of Maharashtra to call for explanation from the said Caste Scrutiny Committee. The Secretary shall look into the matter departmentally.

9. In view of the facts and the reply filed, we accept the unconditional apology tendered by the deponent. With aforesaid observations, contempt petition is disposed of.

10. Registry is directed to forward copy of this order to Secretary, Social Welfare Department of the State.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.