

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

Contempt Petition No. 269/2016

in

Writ Petition No.4527/2014

**(Gopalsingh Dattasing Gaur .vs. Kishor Bhoyar, Member-Secretary &
Research Officer and another.)**

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

Court's or Judge's orders.

Mr. S.R. Narnaware, Advocate for Petitioner.

Mr. S.M. Ukey, Additional Government Pleader for Respondent
No.1.

Mr. P.S. Chawhan, Advocate for Respondent No.2.

CORAM : B.R. Gavai & V.M. Deshpande, JJ.

DATED : October 26, 2016.

1. This is a glaring case wherein a Member-Secretary of the Divisional Caste Certificate Scrutiny Committee, which Committee takes pride in calling itself as Judicial Authority, has not only acted in breach of the orders passed by this Court but, has also assumed a jurisdiction which is not vested in him.

2. The petitioner's claim of belonging to Rajput Bhamta Scheduled Tribe was pending before the Divisional Caste Certificate Scrutiny Committee, Amravati. Since his claim was not being decided, the petitioner approached this Court vide a Writ Petition No. 4527/2014. The Division Bench of this Court (Smt. Vasanti A. Naik and P.R. Bora, JJ.) vide order dated 25.09.2014 disposed of the petition with

a direction to decide the caste claim of the petitioner as early as possible and positively within a period of one year from the date of appearance of the petitioner before the Committee. The Division Bench has specifically observed that the services of the petitioner are protected till the caste claim of the petitioner is decided.

3. Even this being the position, respondent no.1 addressed a communication dated 19.07.2016 informing respondent no.2 that the petitioner had placed on record the fabricated documents and as such misled the Committee. He further directed respondent no.2 to forthwith withdraw all the benefits as were available to the petitioner on the basis of his claim of belonging to reserved category.

4. Firstly the order is totally in breach of the judgment and order passed by this Court dated 25.09.2014 in Writ Petition No. 4527/2014. Apart from that when the claim of the petitioner was pending before the Committee for adjudication, there was no occasion for respondent no.1 to have addressed such a communication to respondent no.2. To say the least, it would amount to pre-judging the issue.

5. We are, therefore, of the considered view that the act of respondent no.1 amounts to

contempt of this Court. We, therefore, issue a notice to respondent no.1 calling upon him to address the Court on the quantum of punishment that should be imposed on him for having committed contempt of this Court.

6. Respondent no.1 who is personally present in the Court accepts the notice. He admits that this has occasioned on account of inadvertent error. He tenders an unconditional apology. He submits that for the first time this glaring mistake has occurred and undertakes that hereinafter he will not indulge into such things and discharge his duty with a care and caution.

7. However, we find that the present matter is not a matter wherein the contemner should be released only on unconditional apology.

8. We, therefore, issue a stern warning to respondent no.1 that hereinafter if he commits such mistake, same would not be taken lightly. The State of Maharashtra is directed to take entry of this warning in the service record of respondent no.1, which shall be taken into consideration while considering his further claims for promotion.

9. Insofar as respondent no.2 is concerned, the learned counsel appearing for respondent no.2

states that the petitioner would forthwith be reinstated and the salary bills of the petitioner would be submitted to the competent authority within a period of 10 days from today.

10. In that view of the matter, we do not propose to take any action against respondent no.2.

11. Contempt petition is disposed of accordingly.

JUDGE

JUDGE

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