

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**CONTEMPT PETITION NOS. 247/16, 253/16 & 294/16 IN PUBLIC INTEREST
LITIGATION NO. 102 OF 2013.**

(Vikram Charandas Saosakade .vs. The Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli & others)

(Dipika Tukaram Nannaware .vs. The Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli & others)

(Piyush Madhukar Bagde .vs. The Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli & others)

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

Court's or Judge's orders

Mr. S.P. Khare, Advocate for petitioners,
Ms. T.H. Udeshi, A.G.P. for respondent nos. 1 & 2,

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : OCTOBER 6, 2016.

The present Contempt Petitions are nothing but an abuse of the process of the contempt jurisdiction. The petitioners herein being aggrieved by the orders passed by the Scrutiny Committee, thereby rejecting the cases of the petitioners with regard to validity of their claim of belonging to Scheduled Tribe have already approached this Court by way of Writ Petitions. The Writ Petitions are admitted for final hearing by this Court.

We had come across various matters wherein the members of the Scrutiny Committee had passed orders contrary to the orders passed by the Hon'ble Apex Court as well as this Court. As such, we were required to summon presence of the members of the Committee. The matters were heard on 15.4.2016 in the presence of the members of the Committee. It

was sought to be urged on behalf of the members of the Committee that there was conflict of views in two Division Benches of this Court in the case of **Apoorva d/o Vinay Nichale .vs. Divisional Caste Certificate Scrutiny Committee No.1 and others reported in 2010 (6) Mh. L.J. 401** as against judgment in the case of **Shweta Ramlal Ghunavat .vs. State of Maharashtra and others dated 25.11.2011 (Writ Petition No. 10144/11)**. By an elaborate order passed of the even date, we had clarified the position and explained as to how there was no conflict as said by the members of the Committee. We had hoped that the confusion in the minds of the members of the Committee would stand clarified and the members of the Committee would pass orders in accordance with the law.

It is sought to be contended on behalf of the petitioners that since the confusion has been cleared by this Court on 15.4.2016, the members of the Committee ought to have *suo motu* rectified their error and granted validity certificate to the petitioners.

We find that the contention as advanced needs to be heard only to be rejected. The petitions of the petitioners challenging the order of the Scrutiny Committee are very much pending in this Court. The petitioners could have very well requested this Court for disposal of the petitions. The Court could have either passed an order accepting the material placed on record and granted validity, or if found fit remanded back the matter to the Committee for consideration afresh or dismissed the petitions.

However, when the order passed by the Scrutiny Committee is not yet set aside by this Court, expecting the

Committee to *suo motu* reconsider the matter, in our considered view, is expecting something which is unreasonable. An allegation that since the Committee has not done so and, therefore, committed the contempt of this Court, can be only a product of imagination of an ingenious mind.

We are, therefore, of the considered view that the present Contempt Petitions are nothing but an abuse of the process of Court. Such a tendency needs to be strongly deprecated.

The Contempt Petitions are, therefore, dismissed with costs which are quantified at Rs.5000/-. The costs be paid to the Chief Minister's Drought Relief Fund. The receipts be placed on the proceedings of the present matters.

Judge

Judge

J.

CERTIFICATE

"I certify that this Order uploaded is a true and correct copy of original signed Order".

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