

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

CONTEMPT PETITION NO. 323 OF 2016

IN

WRIT PETITION NO. 2798 OF 2015

Vishal s/o Sudhakar Chauke

-vs-

Ms Babita Giri, Vice President, S.T.Caste Certificate Scrutiny Committee, Gadchiroli and others

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

Court's or Judge's Orders.

Mr. Ananta Ramteke, counsel for the petitioner.
Mrs.Bharti Dangre, G.P. for the respondents.

CORAM : SMT. VASANTI A NAIK &
KUM. INDIRA JAIN, JJ.

DATE : 03.10.2016.

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the order directing the respondents to decide the caste claim of the petitioner within one year.

According to the petitioner, though the caste claim of the petitioner was required to be decided on or before 8th of July, 2016, the respondents have not decided the same, till date.

Mrs. Dangre, the learned Government Pleader appearing on behalf of the respondents, states that for a long time, during the last year, there were no regular Members for the constitution of the Scrutiny Committee and some of the Members were holding additional charge. It is stated that there is a dearth of Police officers for conducting the vigilance enquiry and it was pointed out in several other matters that in view of the lack of Police officers to conduct the vigilance enquiry, the caste claim could not be decided within a time frame. It is stated that the claim of the petitioner was not decided in the aforesaid background and it cannot be said that the action on the part of the respondents in not deciding the caste claim is deliberate and intentional.

On hearing the learned counsel for the parties, we find that no case is made out by the petitioner for initiating action against the respondents under the provisions of the Contempt of Courts Act. We are surprised that the petitioner has filed the instant contempt petition, as the education of the petitioner was protected, till the Scrutiny Committee decides his caste claim. The petitioner is taking education and till the caste claim is decided, the education of the petitioner was directed to be protected by Clause No.3 of the operative part of the order, of which the contempt is alleged. We find that the respondent-Scrutiny Committee is not in a position to decide the caste claim of the claimants within a time frame, due to the aforesaid difficulties stated on behalf of the respondents.

Hence, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

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

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 05/10/2016