

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

CONTEMPT PETITION NO.340/2016

IN

WRIT PETITION NO.1216/2014 (D)

Ashalu Pocham Togarwar

...Versus...

State of Maharashtra, through its Secretary, Ministry of Social Welfare and
Tribal Welfare Department, Mantralaya, Mumbai and another

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

Court's or Judge's orders

Shri N.C. Phadnis, Advocate for petitioner
Mrs. B.H. Dangre, G.P. with Shri A.M. Balpande, AGP for respondents

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 18.11.2016

By this contempt petition, the petitioner seeks action against the respondent no.2 for willful disobedience of the order, dated 22.12.2015 directing the respondent to decide the caste claim of the petitioner within three months.

Shri Phadnis, the learned Counsel for the petitioner states that despite the specific directions of this Court to the respondent to decide the caste claim within the stipulated period, the caste claim of the petitioner is not decided till date.

Mrs. Dangre, the learned Government Pleader appearing for the respondents states that a larger number of caste claims are pending before the Scrutiny Committee and it is difficult to decide the caste claims expeditiously as there is a

dearth of Vigilance Officers in the Scrutiny Committee. It is stated that in view of inadequate Vigilance Officers it is very difficult for the Scrutiny Committee to decide the caste claim of the petitioner in Writ Petition No.1216/2014 and the other petitioners within the time framed by this Court. It is stated that the inaction on the part of the respondent to decide the caste claim is not deliberate and the caste claim of the petitioner is not decided due to unavoidable circumstances. It is stated that an endeavour would be made by the Committee to decide the petitioner's caste claim as expeditiously as possible.

From the statements made by the learned Government Pleader, it is apparent that the respondent – Scrutiny Committee has not willfully disobeyed the order of this Court to decide the claim within a time-frame. No action for contempt could be initiated against the respondent unless it is found that the respondent has deliberately and willfully disobeyed the orders of the Court. Since we do not find that the orders are willfully disobeyed, it would be necessary to dispose of the contempt petition.

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

JUDGE

JUDGE