

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12615 OF 2016

Rajkumar Bapurao Kamale and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri P. V. Jadhavar, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH JANUARY, 2017.

PER COURT :

. This Court under order dated 21st December, 2016 had directed the respondent No. 2 to issue caste certificate in favour of the petitioners within a period of two weeks and further issued show cause notice to the Sub Divisional Officer as to why action should not be taken against him for showing disregard to the orders passed by this Court. The notice was issued in Form No. I, Chapter XXXIV, Rule 26 of the Bombay High Court Appellate Side Rules, 1960. It appears that, brother of the petitioners was issued with caste certificate by the Sub Divisional Officer and the application of the petitioners on the basis of the same evidence was rejected. As such, the Court was constrained to issue said show cause notice in Form No. I, Chapter XXXIV, Rule 26 of the Bombay High Court Appellate Side Rules, 1960.

2. Pursuant to the show cause notice, the Sub Divisional Officer, Mahendrakumar Shrirangrao Kamble is present in the Court. He has filed his affidavit. Tendered unconditional apology for not following judgment of this Court. The explanation is given by the respondent No. 2 that, he had relied on various circulars and letters issued by the Government and the Caste Scrutiny Committee thereby directing the Sub Divisional Officer to call pre-constitutional basic documents while deciding the caste claim. It is further stated that, henceforth he would take all necessary care and precaution while deciding the caste claims. He further states that, he has realized his mistake and has assured henceforth all necessary care and precaution would be taken.

3. The authorities while deciding the applications are certainly bound by the judgment passed by this Court and are required to abide by the same. Considering the explanation given, we find that, non adherence to the judgment of this Court by the said Sub Divisional Officer was not deliberate or willful. Considering the explanation given and the subsequent order of this Court being complied, we drop the notice issued to the delinquent in Form No. I, Chapter XXXIV, Rule 26 of the Bombay High Court Appellate Side Rules, 1960. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]