

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 43 OF 2015
IN
WRIT PETITION NO. 9914 OF 2012

DEEPAK BALASAHEB RAJBANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. M.S. Deshmukh, Advocate i/b. Mr. D.B. Shinde, Advocate for the petitioner

Mr. D.R. Kale, A.G.P. for the respondent/State

Respondent no.4 served - absent

CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 03-08-2017

ORAL ORDER :

1. Heard Mr. Deshmukh, learned counsel appearing for the petitioner and Mr. Kale, learned A.G.P. appearing for the respondent, particularly, the respondents to whom the Writ of this Court was issued.

2. The Petition alleges non-compliance with the orders passed by this Court on 16/07/2013 in Writ Petition no. 9914 of 2012.

3. The operative part of this order, reads as under:-

“5. In this view of the matter, the order passed by the Scrutiny Committee, invalidating caste certificate issued in favour of the petitioner deserves to be quashed and set aside and the matter needs to be remitted back to the Scrutiny Committee for reconsideration.

The petition is, thus, allowed. The impugned order passed by the Scrutiny Committee, dated 25.10.2012, is quashed and set aside and the matter is remitted back to the Scrutiny Committee for reconsideration.

The petitioner shall cause appearance before the Scrutiny Committee on 20th August, 2013 and, as such, no separate notice, requiring their presence on the given date, would be necessary.

The Scrutiny Committee shall furnish copy of the Vigilance Cell Report to the petitioner and permit him 30 days time for raising his objections to the report. The Scrutiny Committee shall, after extending an opportunity of hearing to the petitioner, and to furnish additional evidence, if he desires, shall proceed to decide the matter in accordance with the provisions of law.

The Scrutiny Committee shall take decision in the matter as expeditiously as possible and, preferably, within six months from today.

Rule is made absolute accordingly.”

4. Upon perusal of this order and directions, we are of the opinion that the Authorities were directed to dispose of the matter as expeditiously as possible and preferably within six months from the date of the order of this Court.

5. Mr. Kale, learned AGP on behalf of the Scrutiny Committee apologises for the lapse on the part of the Scrutiny Committee members and says that it is only because of pressure of work and

bonafide that the delay has occurred. Now, the Scrutiny Committee having realized the consequences, has decided to give the matter top priority and the Committee will pass requisite orders in accordance with law within a period of four (4) weeks from today.

6. Since this assurance is coming from the Scheduled Tribe Certificate Scrutiny Committee, Nashik and through its Members, in the light of the peculiar facts and circumstances of this case, we drop any action in the nature of contempt for the moment.

7. We accept the statements made by Shri Kale, as undertakings to this Court. Proceedings pending before the Committee concerning the petitioner shall be disposed of within this added time of four weeks.

8. Contempt Petition is disposed of accordingly.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/