

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Contempt Case No. 2164 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Contempt Case has been filed alleging wilful and deliberate violation of the order passed in W.A. No. 1324 of 2017 dated 14.9.2017. The petitioners herein filed W.A.No.1324 of 2017 against the order passed by the learned Single Judge, permitting the 1st respondent (writ petitioner) to prefer an appeal to the appellate authority within a period of thirty days from the date of receipt of a copy of the order; on an appeal being filed, the appellate authority was directed to dispose of the same within a period of three months; and, till the disposal of the appeal, the respondent-authorities were directed not to take any coercive steps against the 1st respondent-writ petitioner on the basis of the said order.

We had, by the order in W.A. No. 1324 of 2017 dated 14.9.2017, permitted the 1st respondent-writ petitioner to prefer an appeal to the appellate authority on or before 10.10.2017; and had directed the appellate authority, in case such an appeal was preferred, to hear and decide the appeal with utmost expedition and, in any event, on or before 10.1.2018. We, however, refrained from interfering with the order of the learned Single Judge directing that no coercive steps be taken against the 1st respondent-writ petitioner till the appeal was disposed of, since we had specified a time frame for the appeal to be disposed of. We had also made it clear that, in case the 1st respondent-writ petitioner

did not prefer an appeal on or before 10.10.2017, it was open to the respondent-authorities to proceed against the 1st respondent-writ petitioner and take action in accordance with law.

The complaint of Sri M. Janardhan Rao, learned counsel for the petitioners in this Contempt Case, based on information received by the petitioners under the Right to Information Act, is that the 1st respondent-writ petitioner has not preferred an appeal even till date, much less before 10.10.2017; and yet respondents have not taken any action against the 1st respondent-writ petitioner though such an appeal was not filed within the time stipulated by this Court.

While failure on the part of the 1st respondent-writ petitioner, to prefer an appeal on or before 10.10.2017, would undoubtedly enable the respondent-authorities to proceed against her for submission of a false caste certificate, their failure to do so would not constitute wilful and deliberate violation of the order of this Court, necessitating exercise of jurisdiction under the Contempt of Courts Act, as we had only left it open to the respondent-authorities to proceed against the 1st respondent-writ petitioner and take action in accordance with law, and had not issued a mandamus directing them to do so.

We see no reason therefore, to proceed against the official respondents under the Contempt of Courts Act. The Contempt Case fails and is, accordingly, dismissed. The apprehension expressed by Sri M. Janardhan Rao, learned counsel for the petitioners, that dismissal of this Contempt Case would disable the petitioners from availing their legal remedies, is wholly unfounded for the jurisdiction under the Contempt of Courts Act is exercised

only when a clear case of a wilful and deliberate violation of the order is made out, and not for failure of the official respondents to take action in accordance with law. Application No. 968 of 2017 shall also stand dismissed. No order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

8th December, 2017

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