

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.464/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. K. Mendadkar for the Petitioner
Mrs. Madhubala Kajale, "B" Panel Counsel for Respondent for Respondent No.4.

**CORAM : K. K. TATED &
B. P. COLABAWALLA, JJ.**

DATE : MARCH 6, 2018

P.C.:

1. Heard. By this Contempt Petition, the Petitioner alleges that the Respondent has failed and neglected to comply with order dated 02.12.2015 passed by this court in Writ Petition No.11474/2015 within time. By this order, this court has directed the Caste Scrutiny Committee to decide the caste claim of the Petitioner as early as possible, preferably within 9 months.

2. The learned counsel for the Petitioner submits that though the said order was duly communicated to the Respondent through their Advocate by letter dated 13.02.2015, they failed and neglected to decide the Petitioner's caste claim within time. Hence, the Petitioner has filed the present Contempt Petition for taking action against

the Respondent for non compliance of order dated 02.12.2015 passed by this court.

3. On the other hand learned AGP for the Respondent has filed an affidavit dated 03.03.2018 of Jagruti Viswas Kumare, Dy. Director, Scheduled Tribe Certificate Scrutiny Committee. In paragraph 7 and 9 thereof, the Respondent has mentioned the reasons for non compliance of the said order within stipulated time.

4. It is specifically stated in paragraph 9 that the Committee is ready and willing to decide the claim of the Petitioner within two months from today. Paragraph 7 and 9 of the said affidavit reads thus:

“7. I say that, the Hon'ble Court was directed to decide the caste claim of the Petitioner as early as possible, preferably within a period of nine months. As the Petitioner is originally belongs to Achalpur, District Amravati therefore, the proposal of the Petitioner sent to the Joint Commissioner cum Vice- President, Scheduled Tribe Scrutiny Committee, Amravati vide letter dated 24.03.2015 for detailed vigilance inquiry. Thereafter, on 17.10.2015 the Scrutiny Committee Amravati has sent detailed inquiry report to the Scrutiny Committee, Nashik.”

“9. I respectfully submit that during the period i.e. 17.10.2015 to 12.02.2018 there was also change in the constitution of the committee and its members keeps on changing from time

to time and many occasion the Coram for hearing also not available which resulted in pendency of the matters to the Court. I say that there is no willful and/or deliberate delay or defiance in deciding the above matter. I hereby expressly assure the Hon'ble Court to decide the said matter on its own merit within 2 months. Hence this Hon'ble Court may be pleased to condone the delay in taking decision and grant us some reasonable time to decide the proposal of the Petitioner on its own merit. Hence, the said matter skips attention and as such the decision was not taken. However we expressed our unconditional apology and request this Hon'ble Court to condone the delay and lapsed on the party of the Committee upon expending our unconditional apology, and permit us to decide the matter within such period as this Hon'ble Court may deem fit an proper.”

4. The apology is accepted. The Respondent is directed to comply with the order dated 02.12.2015 passed by this court in Writ Petition No.11474/2015 on or before 11.05.2018 and communicate the order to the Petitioner, in writing.

5. In view of these facts, we do not find any reason to entertain the Contempt Petition.

6. Hence, the Contempt Petition stands disposed of.

(B. P. COLABAWALLA,J.)

(K.K.TATED,J.)