

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.695 OF 2018

ORDER:

This Contempt Case is filed alleging willful and deliberate violation of order, dated 06.02.2018, passed by this Court in Writ Petition No.3332 of 2018.

This Court, taking into consideration the order, dated 31.01.2018, passed in similar circumstances in Writ Petition No.2738 of 2018, by its order, 06.02.2018, directed the respondents to consider the applications of the petitioners for granting financial assistance in terms of the scheme notified under the Scheduled Castes Action Plan, 2017.

In response to the contempt notice, separate counter-affidavits have been filed by respondent Nos.1 and 3, and respondent No.2, specifically stating that as a matter of fact, the applications of the petitioners were considered along with other farmers and as there was no consensus arrived in the Grama Sabha on account of each of the applied candidates seeking their application to be processed in preference to the others, and also considering the fact that there are more number of applicants than

the amount that could be disposed of, the lottery was taken and in the lottery, the petitioners were not selected. In those circumstances, the respondents have categorically asserted that their action is *bona fide* and prayed for closing the Contempt Case.

Sri T.P.Acharya, learned counsel for the petitioners, submits that the procedure of taking a lottery is alien to G.O.Ms.No.35, Scheduled Castes Development (SCP) Department, dated 09.6.2017, and the selection of the candidates should be made in terms of G.O.Ms.No.35, in particular paragraph-3 of the said G.O., wherein a specific methodology that is required to be followed for selection of the candidates and the preferences that are to be accorded in case of more than one candidate are mentioned. In those circumstances, he prays for a direction to the respondents to process the applications of the petitioners strictly in accordance with G.O.Ms.No.35.

On the other hand, learned counsel appearing for the respondents submits that on account of the rival claims and also on account of the fact that more number of candidates than the number of candidates that could be accommodated by extending

the financial support have submitted their applications, there was no option other than to conduct a lottery.

The Contempt of Courts Act, 1971, mandates that there should be a willful and deliberate disobedience of the orders of the Court to constitute the 'contempt of Court'.

In the present case, it is alleged that the methodology adopted by the respondents for selection of the candidates was in deviation of G.O.Ms.No.35. However, at this stage, there being no material before this Court to come to a conclusion that paragraph-3 of the aforesaid G.O. was not followed and as a matter of fact, the preferences as delineated in G.O.Ms.No.35 were not under challenge in the earlier proceedings, the Contempt Case is closed leaving it open to the petitioners to obtain the other factual information and work out their remedies in accordance with law.

As the learned counsel for the petitioner submits that a Writ Petition has already been filed questioning the selection process, the observations, if any, made in the present Contempt Case shall not be construed as expressing any definite opinion on the merits of the

case and the same are made only for the purpose of disposal of the Contempt Case.

JUSTICE CHALLA KONDANDA RAM

20th July, 2018

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