

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

**CIVIL APPLICATION NO.2240 OF 2020
IN
CONTEMPT PETITION NO.303 OF 2019
IN
WRIT PETITION NO. 10359 OF 2017**

Anil s/o Ganpatrao Ramod,
Age: 49 years, Occ: Service,
At present Additional Collector
(Selection Grade), Chairman,
District Caste Certificate Scrutiny
Committee, Osmanabad,
Tal. & Dist. Osmanabad

APPLICANT

VERSUS

Seema Balaji Yelmate,
Age: 31 years, Occ: Household & Social
work, R/o. Row House No.1, Tulshidham,
Nideban Road, Udgir,
Taluka Udgir, Dist. Latur

RESPONDENT

Mr S.S. Thombre, Advocate for the applicant;
Mr S.T. Yaseen, Advocate for respondent

**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATED : 20th FEBRUARY, 2020

ORAL ORDER:

Heard Mr. Thombre, learned Counsel for the applicant – Mr. A.G. Ramod.

2. Mr. Thombre, learned Counsel for the applicant submits that by order dated 28th January, 2020 passed in Contempt Petition No. 303 of 2019, this Court, while observing that the claim of the petitioner is decided on 16th October, 2019, there is delay in decision, as such, this Court disposed of the contempt petition with imposition of costs to be paid by each of the members of the Committee including Chairperson. Mr. Thombre, learned Counsel, by inviting our attention to the documents placed on record, submits that the first order in Writ Petition No. 10359 of 2017 was passed by the Division Bench on 12th July, 2018 directing the Scrutiny Committee to decide the claim of the petitioner and at that relevant time, the applicant was not occupying the position as Chairperson of the Scrutiny Committee.

3. By inviting our attention to the statement made in paragraph-1 of the application, Mr. Thombre, learned Counsel submits that the applicant took over the charge as Chairman of the Caste Certificate Scrutiny Committee, Latur from 9th August, 2017. The applicant had already applied for leave and the applicant was on leave from 15th July, 2019 to 31st July, 2019. It is further submission of Mr. Thombre, learned Counsel that on receipt of the order of this Court dated 26th April, 2019 passed in Civil Application No. 5036 of 2019 in Writ Petition No. 10359 of 2017 whereby extension was granted to the committee, the applicant immediately proceeded for hearing of the claim of the petitioner and amidst hearing, the applicant was transferred from Latur and joined as Private Secretary to the Hon'ble State Minister on 1st August, 2019.

4. Thus, it is the submission of Mr. Thombre, learned Counsel that after 1st August, 2019, the

applicant had no occasion to conduct the affairs of the committee as a Chairman and then hearing was continued and one Mr. Mahendra Harpalkar was occupying the position as Chairman of the Committee and on 15th October, 2019, the decision taken by the committee refers to the constitution of the committee i.e. Mr. Mahendra Harpalkar, Chairman, Mr. Anil Shendarkar, Member and Mr. R.M. Shinde, Member Secretary of the committee.

5. Thus, the sum and substance of submission of Mr. Thombre, learned Counsel for the applicant is that the applicant had neither any intention nor had any reason to commit an act of disobedience of the order of this Court.

6. It is also submission of Mr. Thombre, learned Counsel that the applicant is having clean and unblemished career record and the order of this Court directing the applicant of imposition of costs may adversely affect otherwise clean and unblemished career of the applicant and the applicant may lose

opportunities of further promotions.

7. On perusal of the material placed on record, we find considerable merit in the submission of Mr. Thombre, learned Counsel for the applicant. It is also brought to our notice that other members of the committee, who were directed to deposit the costs, have already deposited their respective costs in this Court.

8. At this stage, Mr. Thombre, learned Counsel for the applicant orally prays for amendment in the prayer clause-B in the application. He submits that as the applicant only is before this Court seeking recall of the order of this Court dated 28th January, 2020 passed in Contempt Petition No. 303 of 2019 in Writ Petition No. 10359 of 2017, the applicant be permitted to amend the prayer clause-B by inserting the words 'to the extent of applicant' after the words 'may kindly be recalled/modified'.

9. Oral prayer for amendment is allowed. Amendment be carried out forthwith.

10. Considering the above referred facts, the application is allowed in terms of prayer clause-B.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]