

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

**916 CONT. PETITION NO.514 OF 2019
IN WP/2159/1994**

**SANDEEP RAMSING PATIL
VERSUS
THE CASTE CERTIFICATE SCRUTINY COMMITTEE DIRECTOR OF SOCIAL
WELFARE AND OTHERS**

Advocate for the Petitioner : Mr Patil Milind

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

DATE : 14th January, 2020

ORDER:

1. Heard Mr. Patil, the learned counsel for the petitioner.
2. By our detailed order dated 30.07.2019, we recorded our reservation to entertain the petition and the petitioner was permitted to revive his request for circulation after ten weeks.
3. The petitioner, by way of present contempt petition, raised grievance of non compliance of the order of this Court dated 6th July, 2019 in Writ Petition No. 2159/1994. Though the learned counsel for the petitioner was justified in making submissions before this Court that considering the merits of writ petition No. 2158/1994, the Division Bench of this Court was pleased to direct the respondent Caste Scrutiny Committee to issue necessary validity certificate within a period of two months from the date of order, merely because the petition was decided on merits and case of the petitioner was meritorious, one

would not absolve the petitioner to show how the present contempt petition can be entertained on a rider of limitation. It may be necessary to refer to certain facts for our reservation/opinion formed by this court. The order of this Court was passed on 06.07.2010 and the petitioner submitted the first communication/representation to the Scrutiny committee on 10.08.2010. In turn, the Scrutiny Committee informed the petitioner to remain present before the Committee alongwith documents on a scheduled date i.e. 30.09.2010. This communication was forwarded to the petitioner on 03.09.2010. As there was no response from the petitioner, the Committee again forwarded a communication to the petitioner on 18.11.2010 referring to the earlier communication dated 03.09.2010 and requested the petitioner to assist the committee. These two documents are placed on record by the petitioner himself. Then there was serious of representations submitted by the petitioners i.e. dated 10th April, 2017, 25th April, 2017, 22nd August, 2017 and 2nd July, 2018.

4. Learned counsel for the petitioner made an attempt to submit before this Court that the petitioner submitted certain representation after receipt of communication on 3rd September, 2019 and for this purpose, learned counsel invited our attention to paragraph 4 of the petition. The statement in paragraph 4 reads thus:

“The petitioner applied the committee on 10th August, 2010. The

said letter was responded by the committee vide letter dated 3rd September, 2010 and the applicant was called for enquiry. The applicant immediately approached the office of the committee and explained that there was no reason for de-novo enquiry and it was obligatory on the part of the committee to issue validated caste certificate. The applicant was given an impression that the committee had realized its mistake."

In the backdrop of this statement, it would be necessary to refer to the documents placed on record. After the communication of the committee dated 18.11.2010, there are only the representations submitted to the Committee in the year 2017 and onwards. Not a single representation is placed on record of a period in between 2010 to 2017 and there is also no supporting material, except the statement that applicant was given an impression that the committee had realized its mistake. It is an unsupported statement given by the petitioner. As such, we see no reason to accept the statement of the petitioner, and more particularly, the immediate preceding part of para 4 makes a vague statement that thereafter applicant approached the committee on various occasion and attempted to explain the committee that any fresh decision is not contemplated by the orders of the Hon'ble High Court and the committee is under obligation to validated issue caste certificate , however in vain. At the cost of repetition we state that after the communication dated 18th November, 2010, there is not a single representation submitted to the committee til the year 2017.

5. In view of the above referred facts, we are of the clear opinion that the petition is filed in this court not only beyond prescribed limitation but it is beyond the reasonable period. Considering this very fact, we see no reason to entertain the petition. Accordingly, the contempt petition is dismissed at the threshold.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC