

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (ST.) NO. 1054 OF 2019
IN
WRIT PETITION NO. 9253 OF 2016

Vikas S/o Yashwant Thakur. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr. Anoop Patil for the Petitioner.
Ms. Rupali Shinde, AGP for the Respondents.

CORAM : NITIN JAMDAR AND
M.S. KARNIK, JJ.

DATE : 24 January 2020.

P.C. :

By the order passed today, this contempt petition, which was dismissed for non-prosecution, is restored. The same is taken on board.

2. We have gone through the contempt petition. The contempt petition alleges breach of the order dated 16 June 2017 passed in Writ Petition No.9253/2016 whereby the writ petition was disposed. By the said order, though the Petitioner's caste validity

claim was directed to be decided within three months, no coercive steps were to be taken against the Petitioner. Though the protection granted by the said order reads “Till the Petition is decided.....”, it would be, obviously, till the disposal of proceedings before the Scrutiny Committee because by the said order the petition was already disposed of. Therefore, there is protection in favour of the Petitioner in respect of his service and that no coercive steps would be taken against him till the proceedings are disposed of and appropriate order is passed by the Scrutiny Committee. Because the Scrutiny Committee has not taken decision, the contempt petition was filed.

3. Before initiating contempt proceeding and taking action for contempt, we will have to consider the totality of the circumstances. The Court though directed the Scrutiny Committee to take decision within a period of three months, it also protected the Petitioner by way of interim relief not to take coercive steps against Petitioner and, therefore, till such claim is decided by the Scrutiny Committee, Petitioner’s services will continue.

4. In these circumstances, we do not think it appropriate that the Scrutiny Committee, in the facts of the present case, be proceeded for contempt. Contempt petition is accordingly disposed of.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)