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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.66 OF 2020
IN
WRIT PETITION NO.8073 OF 2018

Anand s/o Dattatray Kumbhare
Aged about 49, Occu. Service,
R/o Umerkhed, Tah. and Dist. Yavatmal
-vs-

... Petitioner

1. Babita Giri
Aged about Major, Occu. Service,
Assistant Commissioner Scheduled
Tribe Scrutiny Committee,
Amravati Dist. Amravati
2. Anita Pillewar
Aged about Major,
Occ. Service, Assistant Commissioner,
Scheduled Tribe Scrutiny Committee,
Amravati Dist. Amravati
3. Sangita Chauhan
Aged about Major,
Occ. Service/Legal Section,
Scheduled Tribe Scrutiny Committee,
Amravati Dist. Amravati

... Respondents.

Shri K. S. Narwade, Advocate for petitioner.
Shri S. Y. Deopujari, Government Pleader and Shri K. L. Dharmadhikari, Assistant
Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.
DATE : December 14, 2020

Judgment : (Per A. S. Chandurkar,J.)

The grievance of the petitioner is with regard to non-compliance of the directions issued in Writ petition No.8073/2018 on 03/12/2018 whereby the Caste Scrutiny Committee was directed to decide the caste-claim of the petitioner within a period of three months from the date of communication of

the order.

By the order dated 20/09/2019 the time to decide the caste-claim was extended by period of two months. According to the learned counsel for the petitioner the caste-claim was not decided within the time stipulated and hence the petitioner was required to file the present contempt petition.

2. After notice was issued in the contempt petition, the learned Assistant Government Pleader on behalf of the respondents made a submission on 29/10/2020 that the petitioner's caste-claim would be decided within a period of one week thereafter. Accordingly on 03/11/2020 the Scrutiny Committee decided the caste-claim of the petitioner and invalidated his caste-claim. However considering the delay in deciding the caste-claim the respondents were directed to file an affidavit explaining the reasons for the same. Accordingly such affidavit has been filed and placed on record today.

3. In the affidavit filed on behalf of the respondents it has been stated that the respondent No.1-Joint Commissioner joined the Scrutiny Committee at Amravati on 23/09/2020. As several cases were pending before the Scrutiny Committee in which directions were issued to decide the matters within particular time and as there were other contempt petitions pending there was delay on the part of the Scrutiny Committee in deciding the petitioner's caste-claim. Unconditional apology for the delay caused in

deciding the caste-claim has been tendered by the respondent No.1.

4. We find that in the present case the Scrutiny Committee was directed to decide the caste-claim of the petitioner initially within a period of three months from the date of communication of the order dated 03/12/2018. Thereafter the time was extended to decide the caste-claim by 20/11/2019. The caste-claim has however been decided on 03/11/2020. It is noticed by this Court that despite directions to decide caste-claims within stipulated time the Scrutiny Committee through its members in cases where it is not possible to decide the same as directed has not been seeking extension of time in completing the verification proceedings prior to the expiry of the time stipulated by the Court. It is only after the concerned claimant approaches this Court again by filing contempt proceedings that a request is made by the Scrutiny Committee for grant of further time to complete the verification proceedings. As a result of this the sanctity of the order passed in writ petition specifying the time to decide the caste-claim loses its significance.

5. We do not find any reason stated in the affidavit filed by the respondent No.1 as to why the time to complete the verification proceedings was not got extended by making such request prior to expiry of the time stipulated. This Court on being made aware of the difficulties if any faced by the Scrutiny Committee in completing the proceedings within the time

stipulated does extend the time to complete the proceedings in appropriate cases. However it is noticed that the directions issued by this Court to complete the verification proceedings within stipulated time are not taken seriously by the Scrutiny Committee. No request is made to have the time extended to complete the verification proceedings except in a few writ petitions.

6. Shri S. Y. Deopujari, learned Government pleader who is present in Court was made aware of this situation and especially the conduct of the respondents of ignoring the time limits imposed by this Court in various proceedings to complete the process of verification. He fairly states that it was necessary for the Scrutiny Committee to have sought extension of time to complete the verification proceedings before expiry of the time stipulated in the order concerned. He assures that henceforth the Scrutiny Committee members would be careful in abiding by the time limit granted and if the verification proceedings are not likely to be completed within the stipulated time they would seek extension of time by moving an application in that regard prior to expiry of the stipulated time.

7. We were inclined to proceed further in the present proceedings in exercise of contempt jurisdiction. However in view of this assurance given on behalf of the respondents we refrain from doing so. In the light of the

assurance given by the learned Government Pleader as recorded in the foregoing paragraph we hope that in future this aspect would be kept in mind by the members of the Scrutiny Committee and they would be careful in that regard. In view of this assurance we refrain from taking any action against the respondents. However the respondents who are members of the Scrutiny Committee are cautioned to abide by the time frame indicated in the orders of this Court for completing the verification proceedings. If the same is not possible the reasons for the same can always be indicated by moving an appropriate application while seeking extension of time in the writ petition in which the time limit has been stipulated. We are sure that the learned Government Pleader would impress upon the respondents the seriousness of the matter and the need for the respondents to take necessary steps to ensure due compliance with the observations made herein above.

8. In the light of the observations made herein above, the contempt petition is disposed of.

JUDGE

JUDGE