

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO.143/02020

IN

WRIT PETITION NO. 4970/2019

Kailas Omkar Thakur

..... Petitioner

Vs.

S. T. Bhalekar & Ors.

..... Respondents

Mr. Chintamani Bhangoji I/b. R. K. Mendadkar for the
Petitioner

Mr. A. Patel, Addl. GP for Respondent No.4.

**CORAM: K.K.TATED &
RIYAZ I. CHAGLA, JJ.**

**DATED : JULY 1, 2021
(VIDEO CONFERENCING)**

P.C.

1 Heard. By this Contempt Petition, the Petitioner is seeking to take action against Respondent No.1 for violating the order dated 16.04.2019 passed by this court in Writ Petition No.4970/2019.

2 The learned counsel for the Petitioner submits that this court, by order dated 16.04.2019 had directed Respondent No.2 - Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurbar Division to decide the Petitioner's Application as early as possible but in any case within six months from the date of receipt of the said order.

He relies on para 3 of the said order, which reads thus:

“3. In our opinion, the Petitioners cannot be punished for failure on the part of Respondent No.2 to decide their caste / tribe claim. The Petitioners have no control over the working of Respondent No.2. In the above facts and circumstances, we dispose of these petitions by passing the following order:

1. Respondent No.2 is directed to decide the Petitioner’s caste/tribe claim as expeditiously as possible, and in any case, within a period of six months from the date of receipt of this order.

2. Respondent No.3 shall not take any coercive action against the Petitioners in pursuance of the show cause notices dated 15th February 2019/4th January 2019, till the Respondent No.2 decides the Petitioner’s caste/tribe claim.”

3 The learned counsel for the Petitioner submits that today morning, he received instructions from his client that the Committee has finally heard the matter in February 2021 and the matter is now posted for orders. He submits that in view of the subsequent development, Respondent No.1 be directed to pass an order as early as possible.

4 On the other hand, the learned AGP for the State submits that if the hearing is already completed in the month of February 2021, he will also communicate the order passed by this Court to the Committee so that they should pass an order as early as possible.

5 In view of these facts, the following order is passed:

- a. The Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurbar Division to pass a final order on the Petitioner's Application for Caste Validity Certificate, as early as possible, but in any case on or before 30.09.2021.
- b. The learned AGP to inform the concerned Authority about today's order, immediately.
- c. The Contempt Petition stands disposed of in terms of the above.
- d. No order as to costs.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)