

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

CONTEMPT PETITION NO.144/02020

IN

WRIT PETITION NO. 4969/2019

Nagraj 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. The learned counsel for the Petitioner submits that as Respondent No.2 has failed and neglected to comply with order dated 16.04.2019 passed by this court in Writ Petition No.4969/2019, they filed the present Contempt Petition.

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 till today the application made by the Petitioner is not decided by the Committee though the Vigilance Report is on record.

4 At this stage, the learned AGP for the Respondent submits that they will decide the same as early as possible and for that purpose time may be granted till December 2021.

5 Considering the submissions made by the learned counsel for the Petitioner and earlier order dated 16.04.2019 and as the Vigilance Report is on record, the Contempt Petition stands disposed of in the following terms:

a. The Respondent No.2 - Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurbar Division to

decide the Petitioner's application for caste validity certificate as early as possible, but in any case, on or before 31.12.2021, failing which they will have to pay costs of Rs.50,000/- to the Petitioner.

b. The learned AGP to forward a copy of this order to Respondent No.2 - Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurbar Division, immediately for their information.

c. Contempt Petition stands disposed of accordingly.

d. No order as to costs.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)