

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

CONTEMPT PETITION NO. 283/2021 IN
WRIT PETITION NO.3633/2021(D)

Vedant Sunil Newale

Vs.

Smt. Priti Bondre, Vice-Chairman, Scheduled Tribes Caste Certificate Scrutiny
Committee, Amravati and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. R. Parsodkar, Advocate for petitioner.

Shri Neeraj Patil, Assistant Government Pleader for respondents-State.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- DECEMBER 07, 2021.

In Writ Petition No.3633/2021 this Court on 17.09.2021 had directed the Scrutiny Committee-respondent to decide the tribe claim of the petitioner in accordance with law within a period of eight weeks from the receipt of copy of the order. Since the claim of the petitioner was not decided within the aforesaid period, the present contempt petition has been filed.

After the notice was issued the respondent no.1 has filed reply in which it has been stated that the claim of the petitioner for scrutiny of his tribe claim was placed before the Committee of four members. On 18.11.2021 two members of the Scrutiny Committee after referring to the judgment in Writ Petition No.7075/2016 in which the claim of the petitioner's father was validated, have opined that the petitioner would be entitled for grant of validity certificate. Two other members however disagreed with the aforesaid opinion as a result of which the proceedings were placed before the Chairman of the Scrutiny Committee.

Today the learned Assistant Government Pleader has invited attention to the order passed by the Committee comprising of five

members dated 07.12.2021 in which the Committee has invalidated the tribe claim of the petitioner.

We find that Writ Petition No.7075/2016 was preferred by the father of the present petitioner and this Court on 28.11.2018 had declared that the petitioner's father had established his claim of belonging 'Halbi - Scheduled Tribe'. The Scrutiny Committee was directed to issue validity certificate to him and such validity certificate has been accordingly issued. We may also note that in the order dated 07.12.2021 the Scrutiny Committee in paragraph 12 of its order has referred to the adjudication in Writ Petition No.7075/2016 but has chosen to ignore that adjudication by furnishing specious reasons.

Be that as it may, since the scope of the present proceedings are restricted to the grievance with regard to non-compliance of the order passed in Writ Petition No.3633/2021 and as the Scrutiny Committee has today decided the proceedings, it is not found necessary to keep the contempt petition pending.

The petitioner is free to invoke appropriate jurisdiction for challenging the order dated 07.12.2021 in accordance with law, if so advised. All challenges including the grievance that the Scrutiny Committee has ignored the legal effect of the orders flowing from adjudication of Writ Petition No.7075/2016 are kept open. We note that the copy of the order dated 07.12.2021 has been supplied to the counsel for the petitioner.

The contempt petition is accordingly disposed of.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)