

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

CONTEMPT PETITION NO. 253 OF 2022

Mahesh Dilip Bhosale

...Petitioner

Versus

R. R. Sonkawade & Ors.

...Respondents

- None for the petitioner
- Ms. K. N. Solunke, AGP for the Respondent No. 2 – State.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : JULY 12, 2022.

P. C. :

1. The petitioner came before this Court by way of present writ petition raising the grievance of non-compliance, i.e. willful breach of the order of this Court dated 11th February, 2021 passed in Writ Petition No. 346 of 2020. Copy of the said order is placed on record at page no. 21. The order of the Scheduled Tribe Caste Certificate Scrutiny Committee, Pune invalidating the tribe claim of the petitioner was subjected to challenge before this Court in Writ Petition No. 346 of 2020. Considering the fact that the blood relatives of the petitioner were recipient of the validity certificates and this aspect of the matter was not properly appreciated by the Scrutiny Committee, the Division Bench of this Court by its order dated 11th February, 2021 remitted back the matter to the Scrutiny Committee for decision

afresh. In the order, the Division Bench observed that Respondent No. 2 shall consider the application on remand as expeditiously as possible and preferably within a period of eight (08) weeks from the date of order i.e. 11th February, 2021. As the Scrutiny Committee failed to decide the application as per the directions of this Court within the stipulated period, the petitioner has filed the present Petition on 15th November, 2021.

2. Vide order dated 13th April, 2022, the Division Bench of this Court directed the learned AGP to take instructions about the period within which the validation proceedings of the petitioner would be decided. The matter was directed to be listed on 28th April, 2022. On April 28, 2022 following order was passed.

- “1. The learned AGP shall take instructions from the Scrutiny Committee as to the reasons, why the validation proceeding is not decided by the Committee, as directed by this Court.*
- 2. The learned AGP shall take instructions in the matter before the next date.*
- 3. Place the matter on 05th July, 2022.”*

3. On 5th July, 2022, again the matter was listed before this Court and at the request of the learned AGP, matter was adjourned, as a last chance, to today i.e. 12th July, 2022.

4. Today, learned AGP on the basis of written communication dated 09th June, 2022, submitted before this Court that the application of

the petitioner is decided afresh and vide order dated 11th April, 2022, the claim of petitioner is again invalidated.

5. Now, the Scrutiny Committee has passed the order of invalidation of tribe claim of the petitioner, the petitioner, if so desirous, may raise a challenge to the order passed by the Scrutiny Committee.

6. We were surprised to see the approach of the Scrutiny Committee in general and members of the committee who are respondents in petition in particular. Admittedly, this Court in its order dated 11th February, 2021 directed the Committee to undertake the exercise of the decision afresh in a stipulated period of eight (08) weeks, since the application was pending before the committee for a considerable period. Present Contempt Petition is filed on 15th November, 2021. The matter was listed before this Court firstly on 13th April, 2022 and secondly on April 28, 2022 and then on 05th July, 2022.

7. The office of the Government Pleader on 29th April, 2022 forwarded an e-mail to the Joint Commissioner, Scheduled Tribe Certificate Scrutiny Committee, Pune, Deputy Director, Scheduled Tribe Certificate Scrutiny Committee, Pune as well as to the committee itself.

8. The above referred officers of the Scrutiny Committee were informed that the matter had appeared before this Court on 28th April, 2022

and the learned AGP represented the Scrutiny Committee. The Scrutiny Committee was further informed about the next date of matter and the Committee was also informed to depute a responsible officer with necessary instructions to file an affidavit-in-reply in this Court.

9. In spite of above communication forwarded to the Scrutiny Committee, the Scrutiny Committee took leisure to forward communication to the office of Government Pleader and on 09th June, 2022 informed that the claim is already decided on 11th April, 2022. Meaning thereby, when the communication was forwarded by the office of Government Pleader, the claim was already decided, but, neither the concerned officers who are occupying responsible position in the Scrutiny Committee as a Joint Commissioner and Deputy Director nor the other officers attached to the committee, thought it fit to apprise the office of Government Pleader about the same immediately.

10. The entire approach of the committee and its officers least to say is casual, non-responsive and we are constrained to observe that the approach of the committee shows that the Committee, its officers and the Members have no regard to the orders of this Court.

11. As of now, the claim of petitioner is decided afresh and invalidated, we dispose of the Contempt Petition by imposing cost on Respondent Nos. 1 to 4 to the tune of Rs.5,000/- each (Rupees Five

Thousand each). The cost shall be borne by these respondents personally. Respondent Nos.1 to 4 to deposit the cost in the account of Maharashtra State Legal Services Authority within a period of four (04) weeks from today.

12. With these observations, the Contempt Petition is disposed of.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)