

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4748 OF 2023
IN WP/3224/2023**

**LALITA VISHWAMBHAR BIRKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Applicant : Shri Thorat Chandrakant R.
AGP for the Respondents/State : Shri V.M. Kagne
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th April, 2023

Per Court :-

1. By this Civil Application, the original Petitioner desires to point out that this Court had imposed costs, though nominal, on 35 successive officers of the Committee, who had ignored the order of this Court since October, 2017. Two names of senior officers were suppressed from this Court, when the list of officers, who were responsible for non compliance of the orders of this Court, was tendered to the Court.

2. One, Mr.Ashok K. Borkar, officiating Research Officer, who is the Registrar in the office of the Committee, is

one of those members, who is party to the non compliance of the orders of this Court.

3. The learned Advocate for the Applicant submits that the senior-most officer in the committee's office, namely, Ku.Sangita B. Chavan, Joint Commissioner, who is in the said position since 21.04.2022 till today, succeeded in suppressing her name from this Court, when the names were called for.

4. The learned AGP submits that the Superintendent in the office of the Committee did not include the name of the Joint Commissioner and he is responsible. We disbelieve the said statement for the reasons more than one. Firstly, that the Superintendent is in the office of the Joint Commissioner. It is too much to believe that he did not know that she was the Joint Commissioner from 21.04.2022 onwards. Secondly, he has no reason to suppress her name voluntarily. Reading between the lines, it is visible that he was influenced by some higher force so as to exclude the name of the Joint Commissioner from the list.

5. We do not wish to delve too much in this aspect. However, we find it appropriate to record that the Superintendent cannot be made a scapegoat in this episode. It could be only the Joint Commissioner, who desired that her name should not

appear before this Court.

6. The learned AGP submits on instructions from Kum Chavan that she volunteers to deposit an amount of Rs.25,000/- as costs and prays that the issue may be closed here and the Committee, henceforth, would not ignore the orders of this Court.

7. The learned Advocate for the Applicant submits that the above amount of Rs.25,000/- may be donated to the Bar Library, Advocates' Association of Bombay High Court, Bench at Aurangabad.

8. In view of the above, our order dated 24.03.2023 to the extent of paragraph 9(a), stands modified by adding the names of Ku.Sangita B. Chavan at Sr.No.36 and Mr.Ashok Borkar at Sr.No.37. Both would be liable to pay costs as directed in the said order. The order dated 24.03.2023 is, accordingly, modified.

9. At this stage, the learned AGP submits that, in fact, he had discussion with the Committee members on account of the missing names, which according to them, was out of inadvertence and a motion for speaking to the minutes was being contemplated. Before this step could be taken, the Applicant

preferred this Civil Application.

10. Considering this statement, we are treating this issue leniently and we permit the said officer Ku.Sangita Chavan to deposit Rs.15,000/- (Rupees Fifteen Thousand), instead of Rs.25,000/-, with the Bar Library. This order shall be entered in her service book.

11. The Civil Application is, accordingly, disposed off.

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(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)