HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Contempt Petition No. 1646/2017

Yashwardhan Singh Shekhawat S/o Dr. Shri Mool Singh Shekhawat, Aged About 40 Years, R/o Village Jherl Via Pilani, Distt. Jhunjhunu

----Petitioner

Versus

1. Shri Neeraj Semwal, Principal Secretary, Department Of Social Justice And Empowerment, Government Of India, Shastri Bhawan, New Delhi-110001.
2. Shri Akhil Arora, Principal Secretary, Department Of Social Justice And Empowerment, Secretariat, Jaipur
3. State Of Rajasthan, Through Its Chief Secretary, Govt. Of Rajasthan, Secretariat, Jaipur
4. Smt. Gayatri A. Rathore, Department Of Social Justice And Empowerment, Govt. Of Rajasthan, Secretariat, Jaipur.
5. Shri J.c. Mohanty, Additional Chief Secretary, Department Of Social Justice And Empowerment, Govt. Of Rajasthan Secretariat, Jaipur
6. Shri Baljit Singh, Deputy Secretary, (Senior Most Secretary, Discharging Duties Of Member Secretary, As Post Of Member Secretary Is Lying Vacant) National Commission For Backward Classes, 1, Bhikaji Cama Place New Delhi 110066
7. Shri Niranjan Kumar Arya, Chief Secretary, State Of Rajasthan, Secretariat, Jaipur.
8. Shri Hari Kumar Godara, Member Secretary, Rajasthan State Backward Classes Commission, Pashudhan Bhawan, Tonk Road, Jaipur
9. Shri Nihal Chand Goyal, Chief Secretary, Govt. Of Rajasthan, Secretariat, Jaipur 302005
10. Shri Devendra Bhusan Gupta, Chief Secretary, State Of Rajasthan, Secretariat, Jaipur

----Respondents

Connected With

D.B. Civil Contempt Petition No. 1195/2024

1. Mohan Lal S/o Bhagirath Kumhar, Aged About 62 Years, R/o Vpo Munda, Hanumangarh
2. Surender Kumar S/o Sh Mani Ram Parjapat, Aged About 33 Years, R/o Vpo Kolha, Dist. Hanumangarh
3. Madan Lal S/o Mr. Hetram Bhat, Aged About 36 Years, R/o V. Bhunawali Dhani, Po Munda, Dist. Hanumangarh
4. Anant Ram S/o Mr. Chunni Ram Kumhar, Aged About 61 Years, R/o Vpo Goluwala, Tehsil Palibanga, Dist. Hanumangarh
5. Het Ram S/o Mr. Ramswroop Gader, Aged About 40 Years, R/o Vpo Goluwala, Tehsil Palibanga, Dist. Hanumangarh
6. Bhagwati Prasad S/o Ramkhilari Sen, Aged About 68 Years, R/o W. No. 4, Rawatsar Dist. Hanumangarh
7. Jai Chand S/o Bharuram Kumhar, Aged About 69 Years, R/o W. No. 21, Rawatsar Dist. Hanumangarh
8. Jaiprakash S/o Mukhram Suthar, Aged About 68 Years, R/o W. No. 22, Rawatsar Dist. Hanumangarh
9. Pradeep Kumar S/o Mr. Subhash Chander Swami, Aged About 35 Years, R/o Chak 8 A.m. Tehsil Rawatsar Dist. Hanumangarh
10. Maniram S/o Chandu Ram Chhimpa, Aged About 60 Years, R/o W. No. 26, Rawatsar Dist. Hanumangarh

----Petitioners

Versus

1. Sh. Sudhansh Pant, Chief Secretary, Government Of Rajasthan, Government Secretariat, Jaipur
2. Sh. Kuldeep Ranka, Additional Chief Secretary Social Justice And Empowerment Department, Government Of Rajasthan, G-3/1, Ambedkar Bhawan, Rajmahal Residency Area, Jaipur 302005
3. Sh. Balram Parmar, Member Secretary, Rajasthan State Commission For Backward Classes, Government Of Rajasthan G-3/1, Ambedkar Bhawan Rajmahal Residency Area, Jaipur 302005

4. State Of Rajasthan, Through The Secretary To The Government Social Welfare Department Government Of Rajasthan, Government Secretariat, Jaipur.

----Respondents

For Petitioner(s)	:	Mr.Shobhit Tiwari Mr.Javed Khan
For Respondent(s)	:	Mr.Rajendra Prasad, Advocate General assisted by Mr.Sandeep Pathak, Mr.Sheetanshu Sharma & Mr.Tanay Goyal

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HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

28/11/2025

1. Heard learned counsel for the parties.

2. The present contempt petition has been filed for non-compliance of the order passed by this Court on 10.08.2015.

3. Learned counsel for the petitioner submits that despite a clear direction issued by this Court, the respondents have not carried out the revision of the list for OBCs over inclusion and under inclusion of the backward classes.

4. Learned counsel however submits that the directions with respect to the Constitution of the commission for backward classes has been carried out by the State Government. He therefore prays that in view of the willful disobedience of the order passed by this Court, the contemnors may be appropriately punished.

5. Learned Advocate General Mr. Rajendra Prasad and Mr. Sandeep Pathak appearing for the contemnors submit that after the judgment having been passed by this Court, amendment in the Constitution of India has been carried out by the 102nd and

105th vide Constitutional Amendment and thereafter the Rajasthan State Commission for Backward Classes Act, 2017 (for short 'Act of 2017') and the National Commission for Backward Classes (Repeal) Act, 2018 (for short 'Act of 2018') have come into force and therefore, as per the mandate of the provisions of these Acts, there is no period of limitation prescribed for carrying out the exercise of the revision of the list, though the State Government is under an obligation to carry out the revision of the list as per the mandate of the provisions holding the field. He therefore, prays that in view of the provisions enacted, after passing of the judgment, the State Government is taking the recourse available under the law and therefore, there is no willful disobedience of the order passed by this Court in not revising the list after the expiry of ten years.

6. Further, learned Advocate General submits that as per the prevailing law, the State is duty bound to carry out the revision of the list and as per the mandate carried out in the 102nd and 105th Constitutional Amendment, which is holding the field. He, therefore, prays that there is no willful disobedience of the orders passed by this Court.

7. We have considered the submissions made at bar and have gone through the relevant record of the case.

8. It is true that in the judgment rendered by this Court, the direction has been issued for revision of the list of OBCs as per the mandate of Section 11 of the National Commission for Backward Classes Act, 1993 (hereinafter referred to as 'Act of 1993') and as per the judgment of the Hon'ble Supreme Court in the case of Indra Sawhney Vs. Union of India and Ors. reported in AIR 1993

(SC) 477, but we note that in pursuance of the directions issued by this Court, a permanent commission for backward classes has been appointed by enacting a suitable legislation by the State Government, which is advising the Government for inclusion and exclusion of the case in the OBC Category.

9. Further we note that after passing of the judgment dated 10.08.2015, 102nd and 105th Constitutional amendment has come into effect and the two acts viz., Rajasthan State Commission for Backward Classes Act, 2017 and National Commission for Backward Classes (Repeal) Act, 2018 have come into force, in our considered opinion, the State is under an obligation to act as per the mandate of prevailing law and therefore, they cannot be forced to revise the list of OBC as per the judgment passed by this Court. Hence, this Court find that there is no willful disobedience of the order passed by this Court.

10. The contempt petition is dismissed accordingly.

11. Notices are discharged.

12. It is made clear that dismissal of the contempt petition will not come in the way of the petitioner, if he felt advised to challenge the validity of the acts mentioned above in accordance with law.

(RAVI CHIRANIA),J (VINIT KUMAR MATHUR),J

Monika/nitin/10-11