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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2678 OF 2025

IN

PUBLIC INTEREST LITIGATION NO. 219 OF 2013

Vihar Shivajirao Durve

... Applicant

V/s.

State of Maharashtra & Ors

... Respondents

Mr. Narayan R. Bubna a/w Adv. A.A. Achhra for Applicant in IA and for Petitioner in PIL.

Dr. Milind Sathe, Advocate General a/w Smt. Neha Bhide, G.P., Mr. P.P. Kakade, Addl.G.P. and Smt. V.R. Raje, A.G.P. for Respondent-State.

Mr. N.N. Gawade i/b M/s. Sanjay Udeshi & Co. for Respondent No.2.

Mr. Dilip S. Ghumare, Principal Secretary and R.L.A., Law & Judiciary Department, present.

Mr. S.L. Phule, Dy. Secretary, Mr. S.J. Bondre, Dy. Secretary, Ms. Ashwini Jadhav, Under Secretary, Mr. Shrikant Yadav, Desk Officer, present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 1st September 2026

P.C. :

1) At the hearing of this Interim Application in Public Interest litigation, we were confronted with a matter of serious concern. Referring to our previous Order dated 24th August 2026 and the Affidavit filed by

Mr. Dilip S Ghumare dated 4th August 2026, which we found to be unsatisfactory, we queried with Mr. Kakade, learned Additional Government Pleader (AGP) as to which averments in the Additional Affidavit dated 27th August 2026, stated that 179 new posts for Fast Track Courts were created.

2) When Mr. Kakade was unable to provide a clear and unequivocal response, and noting that Mr. Ghumare (the deponent of the Affidavit) was present in Court, one of us (Kamal Khata J.) invited him to point it out. Observing his hesitation, Mr. Kamal Khata J. put to him a straightforward question: who had drafted the Affidavit, and whether it contained the necessary averments in question.

3) Rather than responding to our query, the Deponent launched into an aggressive, high-pitched tone (bordering to shouting) *inter alia* blaming the High Court administration, apart from other sentences stated that “*the High Court Administration was responsible for not filling up the 179 posts*” before a packed Courtroom.

4) We are of the view that, Mr. Ghumare’s unwarranted outburst and aggressive demeanor, deliberately displayed in open Court in full public view while attempting to justify the stand in his Affidavits, not only scandalized the Court but undermined and attempted to lower its authority, constituting contempt *ex facie*, as contemplated under Article 215 of the Constitution of India read with Section 2 (c) of the Contempt of Courts Act, 1971.

5) Mr. Dilip S. Ghumare, is a senior Judicial Officer, formerly a

Principal Secretary and R.L.A to the Law and Judiciary Department, and currently Secretary and Senior Legal Advisor, Department of Law and Judiciary, having his office at Mantralaya, Mumbai. His intemperate outburst against this Court's administration in full public view constituted a deliberate and unwarranted assault upon the dignity and authority of this Court. Such conduct is manifestly unbecoming of any judicial officer and simply outrageous, falling far below the standard we would expect.

6) It has long been the settled practice of this Court that all litigants, whether in civil or criminal matters, are expected to maintain decorum and respect the sanctity of these proceedings. This expectation is not merely heightened, but becomes imperative, when the person in question is himself a judicial officer.

7) We accordingly asked the AGP to request the learned Advocate General to assist the Court and the matter was adjourned to the afternoon session.

8) Upon resumption, the learned Advocate General rightly declined to defend Mr. Ghumare's conduct. However, he sought permission from this Court to accept the apology from him as he was present in Court.

9) In our considered view, such a conduct by a Judicial Officer in open Court, witnessed by all present, wholly unpardonable and cannot be countenanced. Mr. Ghumare was formerly a Principal Secretary and currently is a Secretary at the Department of Law and Judiciary cannot certainly forget

that he is a Judicial Officer and cannot start regarding the Court as utterly insignificant, irrelevant or inconsequential in any manner nor can it be lightly trammled upon. The post of a Principal Secretary or Secretary at the Department of Law and Judiciary is an important position in the interface between the Judiciary and the Legislature. Regardless of the substance of the dispute, it does not confer on him the privilege to treat this Court with utter disrespect.

10) A Judicial Officer cannot exhibit such a behavior in open court and thereafter expect a pardon through an apology in any manner or form later. To permit this would convey to the public at large a deeply troubling message: that one can commit an otherwise inexcusable act with impunity in open Court and then sheepishly, in a theatrical manner, not meaning a word of it, offer an apology, either through a Senior Counsel or Advocate General to absolve himself of an act which *ex facie* is contemptuous. Our views are supported by the decisions of the Supreme Court particularly in *Re: Vinay Chandra Mishra* reported in (1995) 2 SCC 584.

11) We queried with the Advocate General regarding the action warranted against the Judicial Officer, to which he submitted that, it is better to issue Notice under Chapter XXXIV, Rule 9(1) of the Bombay High Court, Appellate Side Rules, 1960 also called the Contempt of Courts (Bombay High Court) Rules, 1994.

12) We therefore issue notice to Mr. Dilip S. Ghumare, Secretary and

Senior Legal Advisor, Department of Law and Judiciary, Mantralaya, Mumbai, as to why contempt proceedings should not be initiated against him for committing the aforesaid act.

13) We therefore direct the Registrar Judicial-II to issue Notice to Mr. Dilip S. Ghumare, Secretary and Senior Legal Advisor, Department of Law and Judiciary, Mantralaya, Mumbai, under Chapter XXXIV, Rule 9(1) of the Bombay High Court, Appellate Side Rules, 1960 also called the Contempt of Courts (Bombay High Court) Rules, 1994.

14) The said Notice is made returnable on 11th September 2026.

15) The Contemner is personally present in the Court and waives Notice through the learned Advocate General.

16) In view thereof, the physical service of Notice under the said Rule is waived.

17) Stand over to 11th September 2026.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)