IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO.:347 OF 2011

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Akash Sheshrao Vanjare
VERSUS
The State of Maharashtra and others

***

Mr. Talekar S.B., Advocate & Mr. A.T.Kanwade, Advocate for Petitioner.
Mr.G.K.Thigale, A.G.P. for Respondent/State Authorities.

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W I T H

CIVIL APPLICATION NO.:7386 OF 2012

IN

WRIT PETITION NO.:347 OF 2011

***

Akash Sheshrao Vanjare
VERSUS
The State of Maharashtra and others

***

Mr. Talekar S.B., Advocate & Mr. A.T.Kanwade, Advocate for Applicant.
Mr.G.K.Thigale, A.G.P. for Respondent/State Authorities.

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A N D

WRIT PETITION NO.:9189 OF 2014

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Omprakash Sheshrao Vanjare
VERSUS
The State of Maharashtra and others

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Mr. Talekar S.B., Advocate & Mr. U.R.Awate, Advocate for Petitioner.
Mr.G.K.Thigale, A.G.P. for Respondent/State Authorities.

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CORAM : **S. V. GANGAPURWALA and N. W. SAMBRE, JJ.**
DATE : 29th January, 2015.

P.C.:

. The Petitioners assail the judgment of the Scrutiny Committee

invalidating the caste claim of the Petitioners as belonging to Khatik Scheduled Caste.

2 Amongst the other contentions raised by the Petitioner, Mr.Awate, learned counsel submits that the hearing had concluded on 9th September, 2009, and the judgment is delivered on 3rd November, 2010. The learned counsel further submits that on the said count itself, the judgment delivered by the Committee deserves to be set aside. The learned counsel further submit that the documents on record have not been considered in its correct perspective. There are voluminous documents on record substantiating the claim of the Petitioners. However, the same have not been considered.

3 The learned AGP submits that in fact, the Committee has considered each and every document produced on record as also vigilance report, home inquiry, all aspects have been considered by the Committee. The Petitioner has also been given opportunity to put forth his case. However, the Petitioner could not prove the case.

4 It is not disputed that the last date for hearing before the Committee was 9th September, 2009, and on the said date, the matter was thereafter, reserved for judgment. The judgment was delivered on 3rd November, 2010, i.e. after a long slumber of one year and two months.

5 Time and again, the Apex Court and this Court has held that after

hearing the matter, the judgment has to be delivered within a period of 30 days or extended time of 60 days. There is no reason for not delivering the judgment for a long slumber of one year and two months. On this count itself, the judgment deserves to be set aside and the Committee is required to be directed to decide the said proceeding afresh after hearing the Petitioner. Even the composition of the Committee after the last date of hearing must have undergone change.

6 Considering all the aforesaid aspects of the matter, we pass the following order:

I. The impugned judgment and order delivered by the Committee invalidating the caste claim of the Petitioners as belonging to Khatik Scheduled Caste, is quashed and set aside.

II. The parties are relegated before the Committee for deciding the said proceedings afresh.

III. The Petitioners shall appear before the Committee on 16th February, 2015.

IV. The Committee shall after hearing the Petitioners, decide the validation proceedings afresh, expeditiously.

V. Liberty to submit additional documents, which would be considered by the Committee, and if required, the Committee can also refer the same to the vigilance.

VI. The protection granted in Writ Petition No.347 of

2011, shall continue till the decision by the Committee in the validation proceedings.

VII. Accordingly, both the writ petitions stand disposed of. No costs.

VIII. In view of disposal of writ petition, Civil Application No.7386 of 2012, also stands disposed of.

[N. W. SAMBRE, J.] **[S. V. GANGAPURWALA, J.]**

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