

UNREPORTED
IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.5940 OF 1999.

Aqueel Ahmed Khan S/o
Abdul Samad Khan,
Age 27 years, Occ.Service,
R/o Houser No.1-11-63,
Juna Bazar, Aurangabad. ... Petitioner.

Versus

1. The State of Maharashtra.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Nasik.
3. The Municipal Corporation,
Aurangabad, through its
Commissioner. ... Respondents.

...

Mr.Zia-Ul-Mustafa, advocate for the Petitioner.
Mrs.M.S.Patni, Asstt. Govt. Pleader for the
State.
Mr.P.S.Patil, advocate for Respondent No.2.
Mr.P.V.Mandlik, advocate for the Respondent
No.3.

...

CORAM : S.V.GANGAPURWALA &
A.I.S.CHEEMA, JJ.

Date : 13.04.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Mr.Zia-Ul-Mustafa, learned counsel for the petitioner submits that while deciding the tribe claim of the petitioner, Home Inquiry has not been conducted. Even Vigilance report is not sought. The opportunity was also not extended to the petitioner properly. In absence of the same, the Committee could not have invalidated the tribe claim of the petitioner.

3. Mr.Patil, learned counsel for Respondent submits that the petitioner remained consistently absent. No documentary proof was filed by the petitioner. In absence thereof, the Committee negatived the claim of the petitioner.

4. We have considered the submissions canvassed by the learned counsel for respective parties, so also we have gone through the Judgment. The recitals in the judgment depict that the petitioner was given opportunity of

personal hearing on various occasions from 1995-1998 but petitioner choose to remain absent and did not avail the opportunity. The petitioner can not be heard to say that no proper opportunity of hearing was given.

5. Considering the fact that the matter pertains to the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner, however, the petitioner deserves to be mulct with costs.

6. In the result, we pass the following order :

a) The impugned judgment and order is quashed and set aside on condition that the petitioner shall deposit Rs.25,000/- (Rupees twenty five thousand only) with the Committee on or before 5.5.2015 by way of cost. The matter is remitted to the Respondent No.2 Committee for deciding the tribe claim of the petitioner as belonging to Tadvī ST afresh. The petitioner shall appear before the Committee on 5.5.2015, at

Aurangabad. It will not be necessary for the Committee to issue fresh notice to the petitioner in view of the date given by this Court.

b) The Committee after hearing the petitioner and following due procedure shall decide the tribe claim of the petitioner afresh expeditiously. The petitioner is entitled to file additional documents in support of his claim.

c) Rule accordingly disposed of. No costs.

(A.I.S.CHEEMA, J.)

(S.V.GANGAPURWALA, J.)

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