

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3580 OF 1999

Smt. Akhtarbee w/o Sk. Alimoddin,
Age-45 years, Occu:Household,
R/o-Hataipura, Tq-Kandhar,
Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) Caste Verification Scrutiny
Committee, Aurangabad Division,
Aurangabad,
- 3) The Collector, Nanded,
Dist-Nanded,
- 4) The Tahsildar, Kandhar,
Dist-Nanded,
- 5) Smt. Hajedabegum w/o Nasir Ahmed,
Age-41 years, Occu:Household,
R/o-Hataipura, Tq-Kandhar,
Dist-Nanded.

...RESPONDENTS

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Mr.Panpatte Advocate for Petitioner.
Mr.P.N. Mule, A.G.P. for Respondent
Nos. 1 to 4.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 21ST APRIL, 2015

ORAL ORDER :

1. Mr. Panpatte, the learned counsel for the Petitioner states that no proper opportunity was given to the Petitioner when the validation proceedings in respect of the caste claim of the Petitioner were decided. According to the learned counsel, within a month, five dates were given. At the relevant time, the Petitioner was admitted in the hospital suffering from spondylitis. Medical certificates in this regard were also issued. However without giving opportunity, order has been passed.

2. The learned A.G.P. submits that ample opportunity was given to the Petitioner, however it is the Petitioner who has not availed the same. Vigilance was also conducted, wherein the entry of

the caste certificate issued to the Petitioner by the Tahsildar, was not found in the register.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. It does not appear that the opportunity was not given to the Petitioner by the committee. various telegrams were issued. It is submitted that the Petitioner, at the relevant time, was not well.

5. First time the telegram was issued on 13th January 1999 and then time to time the Petitioner was communicated date of further hearing as per the request of the Petitioner. Even up-to 1st March 1999 the opportunity was given to the Petitioner. Even the Petitioner was asked to conduct the proceedings through Advocate if the Petitioner is not in a position to conduct the

same. But the Petitioner did not avail the said opportunity. Considering these facts, it cannot be said that opportunity was not given to the Petitioner.

6. However, the fact remains that the Petitioner did not attend the proceedings before the Committee. Matter pertains to social status of the Petitioner. Considering the same the Petitioner deserves to be granted an opportunity to appear before the Committee but by mulcting some costs.

7. In light of above, we pass following order:

O R D E R

(A) Impugned order is quashed and set aside on the condition that the Petitioner pays costs of Rs.25,000/- (Rupees Twenty Five Thousand) to the

Respondent No. 2 - Committee on or before 11th May 2005. The matter is remitted back to the Respondent No. 2 - Committee.

(B) The Petitioner shall appear before the Respondent No.2 - Committee at 11.00 a.m. on 11th May 2015.

(C) In case the cost as directed above is deposited, then the Respondent No.2 -Committee shall decide the said proceedings afresh.

(D) In view of the fact that this Court has given the date, the Respondent No.2 - Committee is not required to issue fresh notice to the Petitioner.

(E) All the contentions of the respective parties are kept open.

(F) It is made clear that we have not considered

the merits of the contentions of the parties while passing the present order, as the same is passed only to give an opportunity to the Petitioner.

(G) In case the cost as directed above is not deposited on or before 11th May 2015, then the Judgment of the Respondent No.2 - Committee shall stand confirmed.

. Writ Petition accordingly disposed of.
Rule accordingly disposed of. No costs.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]