

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6861 OF 2013

KHANDERAO PANDURANG KURUKWAD
VERSUS
DY. DIRECTOR (RESEARCH) AND MEMBER SECRETARY,
SCHEDULED TRIBE CERTIFICATE SCRUTINY

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Advocate for Petitioners : Jadhav Ganesh M.
AGP for Respondents State: Mr.P.N.Mulay
Adv.Mr.Ashok Tele,for R.1.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 9th February, 2015.**

P.C. :

Mr.Jadhav, learned counsel for petitioner states that cousins in the family of the petitioner have been issued validity certificates, The copy of the validity certificate is produced on record. Old record is relied by them. The genealogy is also placed on record which shows relation of the petitioner with person who has been issued validity. According to the learned counsel, the petitioner could not attend the proceeding before the committee after the vigilance report due to ignorance and that he was residing at village. According to the learned counsel, the committee has not considered the documents on record in its correct perspective and opportunity be given to the petitioner to file say to the vigilance report and to participate in the proceeding.

2] Mr. Tele, learned counsel submits that time and again notices were issued to the petitioner to attend the proceedings before the committee and to file say to the vigilance report, however, the petitioner did not respond. In para 4 of the judgment of the committee, the committee has given details of the notices being served upon the petitioner and the petitioner consistently remained absent and all the documents produced on record have been properly considered.

3] We have considered submissions canvassed by the learned counsel for respective parties. There is no manner of doubt that the petitioner was issued notices four times after report of the vigilance was received but the petitioner on each and every occasion remained absent. In absence of the petitioner, the committee was constrained to decide the proceeding. The petitioner has tried to give explanation about the same.

4] Without going to the authenticity of the explanation which has been given and considering that the matter involves the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner to participate in the proceeding, however, the petitioner also deserves to be mulct with costs.

5] The impugned order is quashed and set aside. The petitioner is relegated before the Committee subject to condition that the petitioner pays costs of Rs.25,000/- (Rs. Twenty Five Thousand only) to the committee. The petitioner shall deposit the said costs with the committee within a period of two weeks from today. The payment of costs is condition precedent. The petitioner shall

appear before the committee on **23/2/2015**. If the cost is deposited, then the committee shall decide the validation proceeding afresh expeditiously. The petitioner is entitled to file his say to the vigilance report and such other additional documents as the petitioner deems it fit to rely.

6] The Writ Petition is accordingly disposed of.

7] The record is returned back to Mr.Tele, learned counsel for the Committee.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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