

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3638 OF 2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mrs.A.N.Ansari, advocate for the petitioner
 Mrs.M.A.Deshpande, Asstt. Govt. Pleader for the State.

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

Date : 30.03.2015.

PER COURT :

1. Heard.

2. Mrs.Ansari, learned counsel for the petitioner submits that the Respondent-Committee invalidated the caste claim of the petitioner as belonging to 'Chapparband' caste without conducting the vigilance as required by law. No home inquiry was ever conducted. The learned counsel submits that even opportunity of hearing was not given. The petitioner on the given date was late. The opportunity was not given to the petitioner to put forth his case. According to the learned counsel, the documents on record substantiate the case of the petitioner as belonging to 'Chapparband' caste.

3. Mrs.Deshpande, learned Asstt. Govt. Pleader submits that

the statement of three persons were recorded by the Vigilance. There was no other documentary evidence filed on record. As such there was no occasion to verify documents by visiting other places. No School record or documentary evidence was produced.

4. We have considered the submissions. The Committee has come to the conclusion that no documentary evidence is on record to establish the case of the petitioner. The Vigilance has to conduct home inquiry. In the present case, it is not disputed that no home inquiry has been conducted. Even the petitioner was not given opportunity to put forth his case on the date of hearing as the petitioner was late.

5. Considering the above, it would be appropriate to remit the matter to the Committee.

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

a) The impugned order is quashed and set aside. The matter is remitted to the Committee for deciding the caste claim of the petitioner afresh. The Committee shall refer the matter to the Vigilance. The Vigilance shall conduct home inquiry and submit the report afresh. The petitioner is at liberty to put forth additional evidence in the nature of documents on the date of appearance. The petitioner shall appear before the Respondent-Committee on 20.4.2015.

b) The Writ Petition is accordingly disposed of. No costs.

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

(S . V . GANGAPURWALA , J .)

Dt..30.03.2015.
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