

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.4970/2012

22 WRIT PETITION NO. 4970 OF 2012

Bhaskar s/o Prataprao Shinde,
Age 50 years, Occ: Service,
r/o. Guruprem Complex 1 st wing,
Second Floor Katrap Road,
Badalapur (East), Taluka Ambarnath,
District Thane.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Committee for Scrutiny and
Verification of Tribe Claims,
Nandurbar Division, Nandurbar,
Through its Member Secretary.
3. The Director General of Police,
Maharashtra State, Mumbai.

...RESPONDENTS

...
Mr.Arun H.Koralkar, Advocate for the petitioner.
Mr. V.H.Dighe, AGP for respondent State.
Mr.P.S.Patil, Advocate for respondent no.2.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 23, 2015

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PER COURT :-

1. Heard.

AGP/-

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(2)

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2. Rule. Rule made returnable and heard forthwith with the consent of the parties.

3. Though this petition is filed on various grounds, the principal ground agitated by the Counsel for the petitioner is that, the impugned order passed by the Committee is without hearing him. He invited our attention to paragraph no.4 of the decision of the Committee and submits that since the petitioner is not heard, prejudice has been caused to his case. He is working since 1981 in the Police Department. Therefore, he confined himself to his prayer of re-hearing by the committee.

4. Counsel appearing for respondent Committee vehemently opposed the prayer and submits that inspite of giving sufficient opportunity to the petitioner, he did not appear before the Committee.

5. We have heard learned Counsel for the petitioner, learned counsel for respondent Committee and learned A.G.P. and also perused the pleadings in the petition, grounds raised therein, annexures thereto and the impugned decision of the Committee. It appears from the perusal of the order passed by the Committee that it is a fact that reasonable opportunity was given by the Committee, however, the petitioner did not appear before the Committee. However, since the petitioner is working since 1981,

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in the interest of justice, we deem it appropriate to give one more opportunity to the petitioner to put forth his contentions before respondent committee in support of his tribe claim as belonging to Thakur tribe. On this ground alone, we are inclined to partly allow the petition.

6. The impugned judgment and order is quashed and set aside. The matter is remitted back to the respondent Committee. The respondent Committee is directed to take final decision as early as possible, preferably, within six months from today.

The petitioner to appear before the Committee on 6th April, 2015. The Committee can hear the petitioner on said date, or may give some other date for hearing.

The petition stands disposed of in above terms. Rule made absolute.

Needless to observe that till decision is taken by the Committee, no adverse action should be taken against the petitioner on the ground that he has not submitted tribe validity certificate.

All the contentions are left open to be agitated before respondent Committee.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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AGP/-