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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5894 OF 2014

Priyanka Sukdeo Sonawane

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. P. B. Patil, Advocate for the petitioner

Mr. R. C. Bora h/f Mr. A. B. Girase, Advocate for respondent no.2

Mr. G. K. Thigale, AGP for respondent State

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[CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, J.J.]

DATE : 8th JANUARY, 2015

PER COURT:

1. The petitioner assails order passed by scrutiny committee, after remand of the matter by this Court. Mr. Patil, learned advocate for the petitioner states that this Court had specifically directed the Committee, vide order dated 14th February, 2014 in writ petition No. 1362 of 2014 to consider validity granted in favour of Ratan Patil, i.e. petitioner's cousin grand father. Learned advocate submits that the Committee did not consider this aspect nor after remand of the matter, proceedings were sent to the vigilance cell. Learned advocate submits that even the school record of the petitioner shows his caste as Rajput

Bhamta and only on the basis of an isolated entry in the record of the petitioner's grand father, the committee arrived at an erroneous conclusion.

2. Mr. Thigale, learned Additional Government Pleader submits that the petitioner did not co-operate in the vigilance inquiry and there is contrary evidence on record. The relationship between Ratan Patil and the petitioner is not proved by the petitioner. The petitioner did not produce documents before the Committee although sought time.

3. We have considered the judgment delivered by the Committee, so also we have considered documents placed on record. This Court specifically had observed in paragraph No.4 of the order dated 14th February, 2014 in writ petition No. 1362 of 2014 that the committee should consider the validity granted in favour of Ratan Patil, of course subject to the proof of relationship. It appears that earlier, when the vigilance inquiry was directed, the petitioner did not co-operate in said inquiry, as per report of the vigilance committee dated 12.03.2013. In fact, even for verifying relations, report of the vigilance committee would be necessary.

4. Considering the above, it would be appropriate to have

vigilance inquiry conducted, at the same time, the petitioner also deserves to be mulct with costs, for not co-operating with the vigilance inquiry, earlier. As such, we pass the following order:

ORDER

i) The impugned order is quashed and set aside on the condition that the petitioner pays costs of Rs.25,000/- to the respondent No. 4 committee within a period of three weeks from today. Payment of costs is condition precedent.

ii) On payment of costs, as aforesaid, the committee shall direct vigilance inquiry to be conducted, wherein the documents would be verified so also relations, as claimed by the petitioner would be verified by the vigilance committee and on receipt of the report, the committee shall decide said proceedings afresh, after hearing the petitioner, expeditiously, preferably within six months of the receipt of the vigilance report.

iii) The petitioner to appear before the committee on 22nd January, 2015.

iv) Record is returned back to learned
Additional Government Pleader.

iii) Writ petition stands disposed of.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]