

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

WRIT PETITION NO. 5434 OF 2016

Archana d/o Shivajirao Bhingarde @
Archana w/o. Satish Palaskar

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr M. V. Ghatge, Advocate for the petitioner
Mr S. Y. Mahajan, AGP for respondent/State
.....

CORAM : **RAVINDRA V. GHUGE, J.**
(VACATION COURT)

DATE : **11TH MAY, 2016.**

PER COURT:

1. Heard learned counsel for the petitioner and learned AGP on behalf of the respondents.

2. Grievance of the petitioner is limited to the issue of non-supply of three documents, which are at Sr. Nos. 2, 3 and 4 below caption "Reference" in the Show-cause Notice dt. 21.04.2016. The petitioner has filed an application dt. 09.05.2015, praying for the said documents, which would enable the petitioner to go through the said documents and prepare a detailed reply in response to the impugned show-cause notice dt. 21.04.2016.

3. Shri. Ghatge, learned counsel for the petitioner submits that, the petitioner's Project Affected Person's (PAP) Certificate is being questioned. She has acquired employment with the Mahatma Phule Agricultural University, Rahuri on the basis of PAP Certificate in 2010. She is working as an Agricultural Assistant ever since and there are no adverse entries in her service record.

4. He further submits that, if the above said documents are supplied to the petitioner, she would submit a reply to the impugned notice within 10 days from the receipt of the documents and thereafter, respondent No. 2 may consider the reply and pass a speaking order. It is further submitted that, after the fate of PAP certificate is decided, issue would be with regard to the service of the petitioner and she will have to be heard before any adverse order is passed with regard to her service obtained on the basis of PAP certificate. He, therefore, submits that, if such directions are given, this petition can be disposed of.

5. Learned AGP submits that, the Show-cause Notice is dt. 21.04.2016 and petition is filed on 09.05.2016.

6. Shri. Ghatge, learned counsel, on instructions, submits that, no action has been taken against the petitioner and no order has been passed by respondent No. 2 pursuant to the impugned notice dated 21.04.2016.

7. In the light of the above, I find that the petitioner would be able to submit her reply to the impugned show-cause notice after receiving the concerned three documents, which are likely to have a direct impact on her case. Ends of justice would be met if these documents are supplied so as to enable the petitioner to submit her reply.

8. As such, this petition is disposed of by consent with the following directions :-

- (a) Respondent No. 2 shall supply the documents at Sr. No. 2, 3 and 4 below caption "Reference" as set out in the show-cause notice dt. 21.04.2016 within two weeks from today.
- (b) The said documents shall be supplied by hand delivery or through Speed Post A.D. After receiving these documents, the petitioner shall submit her detailed reply within 10 days thereafter to respondent No. 2 on the issue of the PAP Certificate.

- (c) After receiving the reply of the petitioner, respondent No. 2 may proceed to decide the issue by passing a reasoned order within two weeks from the receipt of the reply and if required, respondent No. 2 may also hear the petitioner.
 - (d) If any adverse order is passed by respondent No. 2 against the petitioner with regard to PAP Certificate, the petitioner will be at liberty to resort to the remedies available in law.
9. Parties to act on the authenticated copy of this order.

[RAVINDRA V. GHUGE]
VACATION JUDGE