

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

WRIT PETITION NO. 626 OF 2016

Pradeepsing S/o Madhav Patil,
Age : 49 Years, Occu. : Service,
R/o 14, Manmadhav, Sharda Nagar,
Bhusawal, Dist. Jalgaon. .. Petitioner

Versus

1. State of Maharashtra,
Through Secretary,
Social Justice Department,
Mantralaya, Mumbai - 32.
2. The Divisional Caste Certificate
Scrutiny Committee Dhule No. 2,
Kanushri Towers, 10,
Badgujar Plot, Parola Road,
Dhule - 424 004,
Through its Secretary.
3. Smt. Padmabai Kapurchandji Kotecha,
Mahila Mahavidyalaya, Shanti Nagar,
Bhusawal, Dist. Jalgaon,
through its Principal. .. Respondents

Shri D. R. Shelke, Advocate h/f Shri P. R. Patil, Advocate for the
Petitioner.

Shri V. M. Kagne, A.G.P. for Respondent Nos. 1 and 2.
The Respondent No. 3 is served.

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

DATE : 17TH MARCH, 2016.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J*) :-

. The tribe claim of the petitioner stands invalidated. Aggrieved thereby present petition.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. The learned counsel for the petitioner states that, the Committee has not given proper opportunity to the petitioner to put forth his case. In absence of the petitioner the proceedings are decided. According to the learned counsel, even documents on record substantiate the case of the petitioner. The tribe claim of the petitioner's real brother has been validated by the Committee. The said aspect has not been considered. In the vigilance cell, Research Officer was not present. According to the learned counsel, the documents on record were sufficient to establish the case of the petitioner.

4. The learned Assistant Government Pleader states that, the petitioner remained consistently absent. The same is recorded in the order itself. The petitioner was present on 17.06.2015. He was told to file documents in respect of his brother on the said date. Even notice was given to him of hearing. He remained absent. On the basis of available documents the claim has been

decided. The school record of the petitioner's father and the petitioner shows caste as Hindu Rajput. The record of the father is of pre-independence period and same has more probative value.

5. We have considered the judgment of the committee and the submissions canvassed by the learned counsel for petitioner and learned A. G. P. for respondent Nos. 1 and 2. It is fact that, the petitioner remained absent on the date of hearing. No plausible reason is forthcoming as to why the petitioner has remained absent. It is for the petitioner to attend the proceedings regularly and co-operate in deciding the said proceedings expeditiously as the petitioner has taken the benefit of reservation.

6. Considering the fact that, the proceedings concern the social status of the petitioner, we are inclined to give one more opportunity to the petitioner, however, the petitioner deserves to be mulct with cost.

7. In the result, we pass following order.

8. The impugned judgment and order passed by the respondent No. 2/Committee is quashed and set aside subject to deposit of cost of Rs. 25,000/- (Rs. Twenty Five thousands only)

on or before 20.04.2016 with Committee. The petitioner shall appear before the respondent No. 2/Committee on 20.04.2016. The petitioner is entitled to file additional documents. The respondent No. 2/committee shall upon hearing the petitioner decide the validation proceedings of the petitioner on its own merits, in accordance with law expeditiously and preferably within a period of six (06) months from the date of appearance. Till the proceedings are pending with the respondent No. 2, the respondent No. 3/employer shall not take any coercive steps against the petitioner only on the ground that the validation proceedings are pending. We have not considered the petition on merits of the matter. Of course the respondents can take further steps in tune with the judgment of the Committee in validation proceedings.

Rule accordingly is made absolute in above terms.

Sd/-

[A. I. S. CHEEMA, J.]

Sd/-

[S. V. GANGAPURWALA, J.]