

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4249 OF 2015

(Vishal s/o Manohar Chavan vs. The State of Maharashtra thr. its Secretary, Ministry of Tribal Welfare Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
APRIL 05, 2016.**

Heard Shri N.C. Phadnis, learned counsel for the petitioner, Mrs. Prabhu, learned AGP for respondent Nos. 1 & 2 and Shri S.Y. Deopujari, learned counsel for respondent No. 3 & 4.

The only grievance made is that the petitioner did not receive the communication dated 28.04.2014 sent by the Police Inspector of Vigilance Cell to the Scrutiny Committee. He received only a notice for appearance dated 17.11.2014 by which he was called upon to remain present on 27.11.2014. Accordingly, he appeared and submitted his say.

Shri Phadnis, learned counsel contends that as there is no acknowledgment that the petitioner has received the communication i.e. Police Vigilance report dated 28.04.2014 on record, the matter needs to be sent back.

The learned AGP has produced records before this Court. She points out that the receipt of notice dated 17.11.2014 calling upon the petitioner to remain present for hearing on 27.11.2014 is not in dispute. On that day, the petitioner has not made any grievance about non receipt of

Police Vigilance Cell report.

We have considered the material on record in the light of submissions. The communication dated 17.11.2014 produced as Annexure 'M' with the petition calls upon the petitioner to explain the difference in the ink and, therefore, interpolation or tampering pointed out by Vigilance cell in its report. The petitioner was called upon to explain the same by 27.11.2014 and to remain present at 11.30 AM on that day.

Accordingly, the petitioner appeared on 27.11.2014 at 11.30 AM and has submitted his say. The say only mentions that as demanded, pre-1961 documents cannot be produced by him. He, therefore, requested the Scrutiny Committee to pass appropriate orders.

Thus, this reply given by him does not meet the requirement of notice dated 17.11.2014 which admittedly he has received. There is no attempt by the petitioner to explain the inconsistency or tampering pointed out by the Vigilance cell.

If the petitioner has not received report of Vigilance Cell, it was open to the petitioner to point out to the Scrutiny Committee on 27.11.2014 that no report as alleged in the notice of hearing dated 17.11.2014 has been served upon him at any point of time. He did not make any grievance, on the contrary, he has filed innocuous reply on 27.11.2014 as mentioned supra, permitting the Committee to proceed further and suffered an adverse order. Now roving attempt is being made to point out alleged lacunae.

The petitioner has, therefore, failed to show that he has not received Police Vigilance report mentioned in the

communication dated 17.11.2014 prior to 27.11.2014.

No case is, therefore, made out warranting intervention in writ jurisdiction. Writ Petition is dismissed. However, there shall be no order as to costs.

JUDGE

JUDGE

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