

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

WRIT PETITION NO.408/2015

Sameer s/o Abdul Sattar Sheikh

...Versus...

State of Maharashtra, through its Secretary, Tribal Development Department,
Mantralaya, Mumai – 32 and another

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

Court's or Judge's orders

Shri S.S. Dhengale, Advocate for petitioner
Shri N.S. Khubalkar, AGP for respondents

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 16.02.2016

By this petition, the petitioner challenges the order of the respondent no.2 – Scrutiny Committee directing a fresh vigilance enquiry in the matter of the caste claim of the petitioner. The petitioner also seeks a direction to the Scrutiny Committee to decide the caste claim of the petitioner as expeditiously as possible and within a period of one month.

Since the caste claim of the petitioner was not decided by the Scrutiny Committee, the petitioner had filed Writ Petition No.6837/2013 for a direction to the Scrutiny Committee to expeditiously decide the caste claim. The said writ petition was allowed and the Committee was directed to decide the caste claim of the petitioner, within a period of two months. The Scrutiny Committee, by the impugned order, dated 29.10.2014 directed

that a fresh vigilance enquiry be conducted in the matter of the caste claim of the petitioner. The petitioner has challenged the said order.

According to the petitioner, the Scrutiny Committee was not justified in directing a fresh vigilance enquiry after the vigilance enquiry was conducted in the matter of the caste claim of the petitioner. It is stated that since the Scrutiny Committee did not have jurisdiction to conduct a fresh vigilance enquiry, the impugned order is liable to be set aside. A direction is sought against the Scrutiny Committee to decide the caste claim of the petitioner, within a period of one month after quashing the impugned order, dated 29.10.2014.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. The petitioner had approached this Court by filing Writ Petition No.6837/2013, for a direction to the Scrutiny Committee to decide the caste claim, within a time-frame. The said writ petition was allowed and the Scrutiny Committee was directed to decide the caste claim within a period of two months. If the claim of the petitioner was not decided within a period of two months, the petitioner had other remedy. A second petition could not have been filed by the petitioner for directing the Scrutiny Committee to decide the caste claim within a time-frame. It appears on a reading of the order-sheet in the matter of the caste claim of the petitioner that the delay in deciding the caste claim is partly attributable to the petitioner. Also, cogent reasons are recorded by the Scrutiny Committee in the order-sheet for directing a fresh vigilance enquiry in the matter of the caste claim of the petitioner.

In the circumstances of the case, the impugned order cannot be quashed and set aside.

Hence, with the aforesaid observations, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

Wadkar