

Jsn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7491 OF 2013

Varsha Vilas Tapkir alias Varsha Chandrakant Khaire ... Petitioner

Versus

State of Maharashtra & Ors. ... Respondents

Mr. S.M. Gorwadkar, Senior Counsel, with Mr. Sujay H. Gangal for the Petitioner.

Mr. A.P. Vanarase, AGP for Respondent Nos. 1 and 2.

Mr. A.V. Barwankar, i/b Mr. V.D. Borwankar for Respondent No.4.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**

DATED: 22ND NOVEMBER 2017

PC:-

By this writ petition, the petitioner challenges the order of the scrutiny committee, dated 2nd August 2013 directing the petitioner and the two officers of the vigilance cell to face cross examination.

The caste claim of the petitioner was pending before the scrutiny committee for verification and in the said proceedings, the respondent no.4 – complainant filed an application for permission to cross examine two officers of the vigilance cell and the petitioner. The application made by the respondent no.4 was allowed by the impugned order dated 2nd August 2013. The petitioner has challenged the said order in the instant petition.

The learned counsel for the respondent no.4 fairly states

that the respondent no.4 would not insist on cross examining the two officers of the vigilance cell as that issue stands answered against respondent no.4 by the judgments rendered by this Court. It is however stated that the impugned order may not be set aside, as far as it relates to the permission to cross examine the petitioner.

Though it is well settled that the officers of the vigilance cell cannot be cross examined in the matter of verification of the caste claim of a claimant, it is equally well settled that the claimant could be subjected to cross examination. The learned counsel for the petitioner fairly states that the petitioner is ready to subject herself to cross examination as the main objection of the petitioner to the impugned order pertains to the cross examination of the officers of the vigilance cell.

In view of the statements recorded hereinabove, the writ petition is partly allowed. The impugned order is modified. The part of the order that permits the cross examination of the two officers of the vigilance cell is hereby quashed and set aside. The part of the order that permits the cross examination of the petitioner is confirmed. The parties undertake to appear before the scrutiny committee on 11th December 2017 so that issuance of notices to the parties could be dispensed with. The scrutiny committee may decide the matter as early as possible. Order accordingly. No costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)