

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

WRIT PETITION NO. 412 OF 2018

Shaikh Maruf Shaikh Razzak .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. A. N. Ansari, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1, 2 and 4.

The Respondent No. 3 is served.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 08TH MARCH, 2018.

FINAL ORDER :

. The petitioner assails order of the Scrutiny Committee invalidating caste claim of the petitioner as belonging to Muslim Khatik (Other Backward Class).

2. That amongst other grounds Mrs. Ansari, the learned counsel for the petitioner submits that, vigilance report was never served upon the petitioner, as such, could not get opportunity to file say to the vigilance report. The learned counsel submits that, along with present writ petition even additional evidence is sought to be produced. Notice was issued to the great grandfather of the petitioner in the year 1952 by the

Municipal Council, which shows that, the great grandfather of the petitioner was doing business of slaughtering/butchery that is selling of flesh.

3. The learned Assistant Government Pleader submits that, there was no convincing evidence before the Committee. The petitioner appeared on number of occasions and only sought adjournments. The documentary evidence and the vigilance report has been considered by the Committee.

4. There is nothing on record to show that, the vigilance report was served upon the petitioner. The petitioner is required to be given opportunity to file say to the vigilance report after vigilance report is served upon the petitioner. As there is nothing on record to show that, the vigilance report is served and as the petitioner contends that, same was never served upon the petitioner, we set aside the order of the Scrutiny Committee and relegate the petitioner before the Committee. The petitioner shall appear before the Committee on 22.03.2018. On the said date the petitioner shall be served with the copy of the vigilance report and thereafter within eight days the petitioner shall file his say to the vigilance report. The petitioner is also entitled to file additional evidence. The committee, if, it deems necessary, shall refer the additional evidence to the vigilance. The Committee shall thereafter decide the proceedings afresh

expeditiously and preferably within a period of six (06) months from the date of filing of say by the petitioner. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 18