

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

WRIT PETITION NO. 2687 OF 2018

Maroti S/o Bandu Rekulwar

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr Sunil Vibhute, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
.....

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

DATE : 14TH MARCH, 2018.

ORDER:

1. Mr Vibhute, the learned counsel for the petitioner submits that, respondent No. 2 – Committee be directed to allow the petitioner to cross-examine Mr Shaikh, Police Inspector, Vigilance Cell of respondent No. 2-Committee as the application has been allowed.

2. Mr Vibhute, the learned counsel submits that, even the Sale Deed filed on record does not bear the true state of affairs. As such the purchasers and witnesses of the Sale Deed be called for examination. According to the learned counsel, the Committee is

proceeding with the matter with undue haste and is not providing with the opportunity to the petitioner. The Vigilance Officer has not visited the village nor has verified the original record from the school nor recorded the statement as is required under the rules. For bringing on record all these facts, cross-examination of the Vigilance Officer is necessary. Even the applications are given by the petitioner, the cognizance of the same is not taken by the respondents.

3. Mr Patil, the learned Assistant Government Pleader submits that, the petitioner is trying to protract the matter on one or the other ground. The ample opportunity has been given. After the matter was closed for orders, the petitioner appeared and thereafter again the opportunity is given to the petitioner. The cross-examination of the Vigilance Officer is not contemplated. He relies on the judgment of the Division Bench of this Court in the case of Avinash Tulshiram Limje Vs. State of Maharashtra and others reported in 2007(3) Mh.L.J. 305.

4. The matter with regard to tribe or caste verification has to be decided expeditiously as the person is holding the office on the basis of the reservation.

5. The copy of the Roznama is placed on record. It is seen that the notices are issued to the petitioner. The matter is adjourned from time to time.

6. The grievance made by the petitioner that, the statement of the father and the relatives of the petitioner is not recorded would be borne from the report itself. For the said purpose, no cross-examination is required. If the vigilance report does not record the statement of father or such other person, the report itself will speak.

7. It is open for the petitioner to file his say to the report and bring all anomalies, which according to the petitioner, exist in the say. Naturally, the say filed by the petitioner is required to be considered by the Committee. As far as not visiting the school and verifying the original record is concerned, the petitioner states that the Headmaster has given letter to that effect. The same can be produced before the Committee and if the Committee feels, the Committee can call for the original record.

8. As far as sale deed is concerned, petitioner has right to file an affidavit of the witnesses. For that purpose, there is no need to examine or cross-examine the petitioner's witnesses.

9. Considering the above, we are not inclined to consider the request of the petitioner. It is submitted, the date is fixed today. Today the Coram is not available. The Committee shall decide the proceedings expeditiously, in accordance with law. The petitioner shall cooperate in expeditious disposal of the proceeding. The petitioner can file the application as is permissible in law which naturally is required to be considered by the Committee in accordance with law.

10. The writ petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde