

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

WRIT PETITION NO. 7817 OF 2015

Pradip S/o. Nandsing Patil

... Petitioner

VERSUS

State of Maharashtra & Anr.

... Respondents

.....
Mr P. R. Patil, Advocate for the petitioner
Mrs A. V. Gondhalekar, AGP for respondent/State
.....

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

DATE : 24TH FEBRUARY, 2018.

ORDER:

1. The caste claim of the petitioner is invalidated. The petitioner is appointed in the Police Department from reserved category. The proposal was referred to the Committee for verification of his caste claim.

2. We have heard Mr Patil, learned counsel for the petitioner and Mrs. A. V. Gondhalekar, learned Asst. Government Pleader for State.

3. We have perused the judgment. From the judgment, it transpires that, *in spite* of ample opportunity being given to the petitioner, the petitioner remained absent. At least on 6 to 7 dates, the petitioner was absent. The Committee had decided the proceedings on the basis of the documents before it considering the contra evidence on record.

4. Considering that the matter concerns the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner, however, the petitioner deserves to mulct with costs. In the result, we pass the following order.

ORDER

- (i) The impugned Judgment and Order is quashed and set aside subject to condition that the petitioner pays costs of Rs. 50,000/- (Rupees Fifty Thousand only) on or before 26.03.2018, with respondent No. 2.
- (ii) If the costs is paid within the time stipulated above, then the Committee shall decide the validation proceedings in respect of the petitioner afresh, on its own merits,

expeditiously, preferably within a period of three months from the date of appearance of the petitioner. The petitioner shall not seek any adjournment before the Committee. If the petitioner seeks adjournment before the Committee, then the Committee would decide the matter on its own merits.

- (iii) The payment of costs is condition precedent. Non-payment of costs within the stipulated time will result in dismissal of the validation proceedings. If the costs is paid, the petitioner shall file his say to the Vigilance Report on 26.03.2018.

5. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde