

2. According to Mr. Kulkarni, learned counsel the notice was issued by the committee on 29th August, 2017. The notice was served on 6th September, 2017. The date of interview was fixed on 31st August, 2017. On telephonic instructions the petitioners appeared. They were not given the copy of Vigilance Report.

They were only shown the Vigilance Report and was asked to make submission on it and on 1st September, 2017, the Judgment was delivered. According to the petitioners, no proper opportunity is given to the petitioners.

3. Learned Additional Government Pleader on going through the record states that the petitioners had appeared on 31st August, 2017, and after giving opportunity to them Judgment was delivered on 1st September, 2017.

4. It appears that the committee had proceeded in haste, as it had to decide the proceedings within fifteen days. The committee ought to have given proper opportunity to the petitioners. The notice calling upon the petitioners to appear was dispatched from the office of the Scrutiny Committee on 29th August, 2017. The date of interview was fixed on 31st August, 2017. No proper opportunity was given to file say to the Vigilance Report and argue the matter. In fact after obtaining say, the committee is also required to conduct the affinity test. All this exercise is required to be done by giving opportunity to the petitioners. The said opportunity has not been properly given.

5. In light of that, the impugned order is quashed and set aside. The petitioners are relegated before the committee. The petitioners shall appear before the committee on 18th April, 2018. The petitioners shall file say to the Vigilance Report on the date of appearance. The committee shall thereafter decide the proceedings in respect of tribe claim of the petitioners on its own merits , in accordance with law, expeditiously.

6. It is made clear that we have not expressed any opinion on the merits of the matter.

7. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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