

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13140 OF 2018

Shri Bhaurao Lahu More

... Petitioner

Vs

State of Maharashtra through its Social Justice
and Special Assistant Department and Ors.

... Respondents

Mr.Laxman N. Bedekar for the Petitioner.

Mrs.R.M.Shinde, AGP for Respondent Nos.1 and 2- State.

Mr.Anand S. Kulkarni for Respondent No.3.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

THURSDAY, 22ND NOVEMBER, 2018

P.C. :

1 Mentioned. Not on Board. Urgency made out.

2 The petitioner's claim is pending before the Caste Scrutiny
Committee at Pune.

3 Since the petitioner has not forwarded the Caste Validity
Certificate, he has been directed by the Education Officer (Primary),

Zilha Parishad, Solapur to transmit the said certificate within seven (7) days from 14th November, 2018, else his appointment as “Head Master” would be termed as illegal and there is likelihood of he reverting to lower post.

4 Since that time is expiring today, we allowed production of papers post recess. The concerned parties are duly served. After hearing the learned AGP appearing for respondent Nos.1 and 2, it is evident that this claim is pending before the Scrutiny Committee since 2006. It is stated that the vigilance inquiry was completed in 2010, but thereafter the petitioner could not be served with a copy of the report nor his comments or remarks on the same could be invited. Though the Scrutiny Committee made an attempt, still the proceedings could not be completed expeditiously.

5 We are not satisfied with this explanation from the respondent Nos.1 and 2. The oral explanation may be also to assist the party like the petitioner who has not been vigilant enough in obtaining the Caste Validity Certificate. For all we know, there could be some intentional or deliberate act as well. However, we do not enter into this

controversy, but dispose of the writ petition with direction that the Committee shall pass final orders on the claim within a period of two (2) months from today. No extension will be granted and this Court will not hesitate to direct the initiation of disciplinary proceedings against the Scrutiny Committee Members in the event they fail to comply with our directions. The petitioner must appear before the Scrutiny Committee in order to assist to dispose of this matter as directed above on Thursday, 29th November, 2018 at 10:30 a.m. No extension shall be granted under any circumstances to appear before the Committee. Let the petitioner be supplied with a copy of the Vigilance Cell Report and he shall within a period of one (1) week of supplying of such report, forward his explanation to the Committee. The Committee shall conclude the proceedings within the time frame stipulated above, irrespective of the fact whether the petitioner co-operates with it or not. The petitioner must co-operate and not seek adjournments as the matter is fairly old.

6 The writ petition is disposed of with these directions.

[SMT. BHARATI H. DANGRE]

[S.C. DHARMADHIKARI, J.]