

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3212/2017

Jaipal s/o Shalikram Nagose

...Versus...

Municipal Council, Paoni, District – Bhandara, through its Chief Officer and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ram Karode, Counsel for petitioner
Shri M.I. Dhatrak, Counsel for respondent no.1
Mrs. K.S. Joshi, AGP for respondent no.2

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 07/02/2018

By this writ petition, the petitioner challenges the order of the Scrutiny Committee dated 6/5/2016 invalidating the claim of the petitioner of belonging to Gond-Gowari Scheduled Tribe.

For challenging the impugned order, the learned Counsel for the petitioner has made only two submissions. According to the first submission, the show-cause-notice served on the petitioner is not proper as the petitioner was not asked to show cause in respect of any fact or material. It is stated that though the research officer ought to have associated himself with the vigilance cell, in the instant case the research officer was not associated with the cell.

We are not inclined to uphold any of the submissions made on behalf of the petitioner. On a reading of the show-cause-notice, it appears that the petitioner was asked to show cause against the vigilance report. The vigilance report was clearly adverse to the petitioner as the petitioner had not substantiated his caste claim either on the basis of the documents where the caste “Gowari” was recorded instead of “Gond-Gowari” and the petitioner had also failed to prove his affinity to Gond-Gowari Scheduled Tribe. Despite the service of the said show-cause-notice on the petitioner, the petitioner was not able to show cause against the adverse vigilance report. The second submission made on behalf of the petitioner that the research office was not associated with the vigilance cell is liable to be rejected as it is contrary to the record. It is apparent from the perusal of the vigilance cell report that the research officer was associated with the vigilance cell and he has given his remarks in the report and has signed the same.

Since there is no merit in any of the submissions made on behalf of the petitioner, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar