

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 6550 OF 2019

Jeevan s/o Sarojkumar Thakare

Petitioner

Versus

The State of Maharashtra & another

Respondents

Mr. S.R. Barlinge, advocate for petitioner.

Mr. S.G.Karlekar, AGP for Respondents.

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 10th June, 2019**

PER COURT:

1 The tribe claim of the petitioner, as belonging to “Tokre Koli”, came to be rejected by the Respondent-Committee.

2 Mr.Barlinge, learned Counsel for the petitioner, submits that the order is passed without providing proper opportunity to the petitioner. The vigilance report is dated 9th August, 2018. On the evening of 9th August, 2018, the petitioner was communicated about the vigilance report and date of hearing as 14th August, 2018. No opportunity was given to file say to the vigilance report and within four days, the matter is decided.

3 Learned Counsel for the petitioner submits that petitioner may be given an opportunity to file say to the vigilance report. The learned Counsel submits that the present matter was also not under any special drive.

4 Mr.Karlekar, learned AGP, submits that the petitioner was informed about the vigilance report and was also given copy thereof. However, petitioner did not remain present on the date of hearing. He submits that the vigilance report and documents on record are against the petitioner.

5 It appears that though the petitioner was informed about the vigilance report on the evening of 9th August and date of hearing was prescribed as 14th August, 2018, he remained absent. It also appears that on 10th August, 2018, petitioner had submitted representation.

6 Considering the fact that the matter is regarding social status of the petitioner, we are inclined to grant one more opportunity to the petitioner.

7 In the light of above, we pass the following order:

(i)The impugned order dated 14th August, 2018, passed by Respondent-Committee is quashed and set aside. The matter is remitted back to the Committee.

(ii) The petitioner shall file say to the vigilance report within fifteen days from today. The Committee shall thereafter decide the validation proceedings in respect of tribe claim of the petitioner on its own merits and in accordance with law expeditiously, preferably within three months thereafter.

8 With the above directions, writ petition stands disposed of. No costs.

MANGESH S. PATIL
JUDGE

S.V.GANGAPURWALA
JUDGE

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