

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

WRIT PETITION NO. 10820 OF 2019

Shashikant S/o Shantaram Salunke

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Mr. O. B. Boinwad, Advocate for Petitioner.

Mrs. G. L. Deshpande, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
 ANIL S. KILOR, JJ.**

DATED : 03rd SEPTEMBER, 2019.

PER COURT:-

1. The tribe claim of the petitioner is invalidated.

2. Mr. Boinwad, the learned Counsel for the petitioner submits that no proper opportunity was given to the petitioner. On 09.05.2019 the petitioner's father was unwell, as such could not work out the matter. The learned Counsel further submits that on telephone the petitioner was informed the next date as 22.08.2019 and on 21.06.2019 the judgment is delivered by the committee. The learned Counsel submits that no opportunity was given to the petitioner to put forth his case.

3. The learned AGP for respondent Nos. 1 and 2 submits that, the petitioner was given ample opportunity, however, the petitioner remained absent. The petitioner is intentionally prolonging in the matter.

4. We have considered the submissions. The petitioner was served with the vigilance report on 14.01.2015. On 08.05.2015 the petitioner filed his say to the vigilance report. Thereafter, the matter proceeded further. The matter was kept for hearing on 06.03.2019. On the said date, the petitioner sought adjournment. The matter was adjourned to 09.05.2019. On 09.05.2019 the petitioner remained absent and thereafter the judgment is delivered on 21.06.2019.

5. The chronology of dates narrated supra would show that the petitioner was given ample opportunity. He had even filed his say to the vigilance report. Only final arguments were to be advanced by the advocate for the petitioner, as say was already filed to the vigilance report.

6. Considering the fact that the matter involves the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner. However, petitioner deserves to be mulct with the costs.

7. In the result, we pass the following order.

8. The impugned order is quashed and set aside on condition that the petitioner deposits costs of Rs. 15,000/- (Rupees Fifteen Thousand only) with the committee. The petitioner shall appear before the committee on 16.09.2019 and shall work out the matter on the said date or on other such date as per the convenience of the committee. The petitioner shall not seek

any adjournment before the committee. If the petitioner seeks adjournment, the committee is free to proceed further.

9. It is only with a view to give one more opportunity to the petitioner we have set aside the order. The cost shall be paid on or before 16.09.2019. The payment is condition precedent.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.