

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

3 WRIT PETITION NO.8996 OF 2011

KIRAN SAJAN NANNAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioner : Mr. Barlinge S.R.
AGP for Respondents/State : Mr. P.S. Patil

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**CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**
DATE : 05.12.2019

PC. :-

Amongst the other grounds argued by the learned counsel for the petitioner one of the ground is of not delivering the judgment for six months after hearing the matter finally.

2. On 17.04.2012 this Court had recorded that the matter was re-heard by the committee on 06.12.2010. The impugned order is purportedly passed on 08.06.2011 and in the roznama it was recorded that the caste certificate of the petitioner is invalid and a detailed speaking order is passed separately. The original order signed by the learned Members of the Scrutiny Committee is in the file. Though below the signature there are no dates appearing, the endorsement on the original orders show that the copies

thereof were forwarded to various authorities and the petitioner on 21.10.2011. This Court on the said date permitted the petitioner to amend and incorporate the ground of delay. The respondent no.2 was directed to file reply dealing with the aspect of delay within a period of two weeks.

3. The respondent no.2 has not filed any affidavit justifying the delay as was directed by this Court under order dated 17.04.2012.

4. It is trite that the judgment after the hearing has to be delivered expeditiously. If the date mentioned in the roznama is considered the judgment is delivered after lapse of six months and the same appears to have been dispatched after eleven months.

5. The deliverance of the judgment after such a long period itself is sufficient to set aside the judgment and direct rehearing of the matter.

6. In light of the above the impugned order is quashed and set aside. The matter is relegated before the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee on 16.12.2019 and shall put-forth his case. The committee shall thereafter decide the proceeding expeditiously preferably within three months from the date of appearance of the petitioner.

7. All contentions of respective parties kept open. Writ Petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.]

[S.V. GANGAPURWALA, J.]