

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7089 OF 2016

Mangalabai Malleshi Atkar ... Petitioner
Versus
State of Maharashtra and Ors. ... Respondents

Mr. Prasad B. Kulkarni for the Petitioner.
Mr. A.P. Vanarse, AGP for the Respondent - State.

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.

DATE : 13th AUGUST, 2019.

P.C. :

1 Heard Mr. Kulkarni, the learned counsel for the petitioner and the learned AGP for the respondent Nos.1 to 4.

2 The petitioner states that the impugned order of respondent no.2 – Committee dated 5th April 2016 proceeds on wrong premises that the petitioner has avoided to participate in verification proceedings. After paper publication dated 18th February 2016, petitioner submitted necessary documents to the Committee and obtained acknowledgement thereof on 29th February 2016. Thereafter again she submitted additional documents on 1st March 2016. These documents and fact that he has responded to public notice has been lost sight of by the Committee.

3 The learned counsel appearing for the State and Committee is seeking time as he has not received full instructions. He points out that

burden was upon the petitioner to substantiate his caste claim and as the petitioner did not respond, the Committee has proceeded further in terms of Rule 17(2).

4 The petitioner was on the basis of certificate elected as Upsarpanch in 2015 and after impugned order, in the month of June 2019 she has also lost the post.

5 The documents to which our attention has been invited particularly Annexure – ‘J’ at page 45 and Annexure ‘L’ at page 48 show the seal of inward section. These documents are supplied to petitioner under RTI by the office of Respondent No.2 only.

6 We therefore do not find it necessary to delve more into the controversies. We are inclined to grant petitioner one opportunity to contest the matter on merits.

7 Accordingly, we quash and set aside the impugned order dated 6th April 2016 and direct the petitioner to appear before the Respondent No.2 – Committee on 4.11.2019 for further instructions in the matter. The Committee shall attempt to complete verification in accordance with law within next six months.

8 Petition is partly allowed and disposed of as such.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)