

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5899 OF 2016

Swapnali Swaminath Helgode @ Mrs.
Swapnali Lengare

...Petitioner

vs.

State of Maharashtra through Secretary and Ors.

...Respondents

Mr. R. K. Mendadkar for the Petitioner.

Mr. Mohit Jadhav a/w. Ms. Kajal Chaurasiya for Respondent Nos.6 and 7.

Mrs. M. S. Srivastav, AGP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 10/10/2019.

PC.:

. Heard respective counsel. Perused the vigilance report dated 27/11/2015 and consequential notice in Form-25 as per Rules 17(11) dated 1/1/2016. We find substance in the contention that notice does not indicate alleged fabrication in school records or other records as reason of Committee for not agreeing with vigilance report.

2. In order dated 13/5/2016 the Committee has invalidated the petitioner's caste claim because it found old entries tampered with. Tampering has been brought to notice by rival candidates who are Respondent Nos.6 and 7 before this Court.

3. In this situation, it is apparent that the Committee has to issue notice to the petitioner and then give an opportunity to explain. As that has not been done, we quash and set aside order dated 13/5/2016 and restore

the matter back to the Scrutiny Committee/Respondent No.2. The petitioner as also respondent Nos.6 and 7 to appear before the Committee on 18/11/2019. On that day or shortly thereafter the Committee shall serve upon the petitioner a copy of show cause notice in terms of Rule 17(11) supra and give him opportunity to explain. Needless to mention that Respondent Nos.6 and 8 shall also be given opportunity to rebut at that stage.

4. After complying these formalities the Respondent/Committee shall pass fresh order on caste claim of the petitioner within next 6 months. With these directions and keeping all other contentions open, we partly allow and dispose of the petition. No costs.

(SMT. ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)