

psv

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

WRIT PETITION NO.9007 OF 2019

Sandeep S/o. Subhash Kolhewad

..Petitioner

Vs.

The State of Maharashtra through
Secretary & Ors.

..Respondents

Mr.Sunil Vibhute for Petitioner.

Mr.A.A. Kumbhakoni, Advocate General with Mr.P.P. Kakade,
Government Pleader with Mr.B.V. Samant, AGP for State.

**CORAM : NITIN W. SAMBRE AND
G.S. KULKARNI, JJ.**

DATE : 20th AUGUST, 2019

P.C.:

While negating the claim of the petitioner as belonging to 'Koli Mahadev' in the order impugned dated 12 July 2019, the Committee has relied upon the School Admission entry in regard to Balaji Gangaram Kolhewad. In the admission register, name of Balaji is reflected at sr. No.596 dated 29 July 1963. This entry is relied upon by Pralhad, son of Balaji, for getting a validity certificate as belonging to 'Koli Mahadev'.

2. The Committee while considering the claim of the petitioner has noticed that the aforesaid entry which is relied upon for granting validity in favour of blood relation Pralhad is based on sham and bogus caste entry. The committee has directed initiation of action against the concerned Police Inspector who was part of the Vigilance Cell in the order impugned.

3. During the course of hearing of the present petition, it is brought to our notice that aforesaid fact of incorrect entry being relied upon while granting validity to Pralhad in relation to his father Balaji was not made available to the petitioner.

4. That being so, we are of the prima-facie opinion that the order impugned is passed without granting sufficient opportunity of hearing to the petitioner.

5. In the aforesaid background, the order impugned dated 12 July 2019 is hereby quashed and set aside.

6. The learned Counsel for the respondent-committee on instructions submits that the documents will be made available to the petitioner which are reflected in paragraph 7(ii) of the impugned order in relation to the school admission entries of Balaji within a period of two weeks.

7. After receipt of the same, it shall be open for the petitioner to submit his explanation to the Vigilance Cell Report before the committee within a period of four weeks thereafter.

8. We expect the committee to decide the claim of the petitioner by granting him fresh opportunity for hearing within a period of three months from the date of receipt of the reply from the petitioner.

9. As such, the petition stands partly allowed in the above terms.

[G.S. KULKARNI, J.]

[NITIN W. SAMBRE, J.]