

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.2381 OF 2020

SATISH BALAJIRAO AKULWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr Jadhavar Pratap V.
AGP for Respondents State: Mr S B Yawalkar

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 13th February, 2020

ORDER:

1. The petitioner is assailing the order passed by the Committee purportedly in the year 1991. The learned counsel submits that the petitioner was selected, however, before the appointment order was issued, the Zilla Parishad Buldhana referred the matter to the scrutiny committee on the basis of photo copy of the caste certificate of the petitioner. Subsequently, the petitioner was appointed at Nanded in the office of the District Dairy Development Officer. The proposal was forwarded to the Scrutiny Committee, Aurangabad by the Regional Dairy Development Officer, in the year 2010. The same is still pending.

2. The learned counsel submits that the petitioner was not aware of the order passed by the Pune committee. The petitioner was never issued with any notice nor was communicated about the order. The said order came to the knowledge of the petitioner when the petitioner had filed writ petition before this Court praying to expedite the disposal of his validation proceeding, pending since the year 2010. During the course of hearing of the said writ petition, a statement was made about the present impugned

order.

3. According to the learned counsel, as no opportunity of hearing was given to the petitioner, the petitioner was not having knowledge of the said proceeding.

4. Mr. Karlekar, learned AGP submits that copy of the impugned order had been sent to the employer. The decision is not on merits, however, holding that the authority did not have jurisdiction to issue caste certificate.

5. We have considered the submissions.

6. It is not disputed that the proceedings were forwarded by Zilla Parishad, Buldhana to the scrutiny committee at Pune on the basis of photo copy of the caste certificate of the petitioner. It also appears that the petitioner was never intimated about the proposal being forwarded for verification. Even the committee did not issue notice to the petitioner. The petitioner was not appointed by the Zilla Parishad, Buldhana, however subsequently appointed by the District Dairy Development Officer, Nanded. The proposal was forwarded in the year 2010 again for verification of caste certificate. There cannot be two parallel proceedings pending.

7. Considering that that the impugned order(Exh.E) was passed on the basis of photo copy of the caste certificate and the same is without notice to the petitioner and without knowledge of the petitioner, we quash and set aside the order. It is declared that the said proceeding is *non est*

and does not survive.

8. Further we direct disposal of the proceeding before the Scrutiny Committee, Aurangabad pursuant to the proposal forwarded to it for verification of the caste certificate of the petitioner. The petitioner shall prosecute the proceeding with the Aurangabad scrutiny committee on its own merits. The proceeding shall be decided preferably within four months from the date of appearance of the petitioner.

9. The petitioner shall appear before the respondent No.2 committee on 27.02.2020.

10. Writ petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC