

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6889 OF 2020

Suresh Dhondiba Tiparse

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr S.R. Palnitkar, Advocate holding for
Mr M.A. Golegaonkar, Advocate for Petitioner
Mr S.G. Karlekar, A.G.P. for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 14th OCTOBER, 2020

PER COURT :

1. The learned Counsel for the petitioner submits that the petitioner is the real brother of the petitioner in Writ Petition No. 10675 of 2019. The said writ petition is decided under the Judgment and order dated 28.08.2019. The same recourse be adopted in the present matter.
2. In Writ Petition No. 10675 of 2019, the real brother of the petitioner had also challenged the show cause notice and the impugned orders wherein opportunity was given to file say to the show cause notice.
3. We have also heard the learned Assistant Government Pleader for the respondents.
4. The learned Assistant Government Pleader, upon oral instructions submits that the proceedings before Scrutiny Committee after this Court passed order on 28.08.2019 in Writ Petition No. 10675 of 2019 with other writ petitions, are pending.

5. In light of the above, we adopt the same recourse.

6. The impugned orders are quashed and set aside. The petitioner may file say to the show-cause notice issued to him and may raise all defences available to him including the authority of the Committee to issue show-cause notice. The Committee shall thereafter, considering the submissions of the petitioner and take decision upon the show-cause notice of re-opening the proceedings and depending upon the decision on show-cause notice shall proceed with the matter. The petitioner shall appear before the Committee on 26.10.2020.

7. As the date of appearance is given to the petitioner, it is not necessary for the Committee to issue separate notice to the petitioner. The petitioner may obtain the show-cause notice on 26.10.2020 and the Committee shall provide him the copies of the show-cause notice. The say shall be filed by the petitioner to the show-cause notice within a period of one month from the date of appearance and the decision shall be taken by the Committee, upon the objection raised by the petitioner expeditiously. The petitioner shall co-operate the Committee in expeditious disposal of the proceedings. Depending upon the decision taken upon the objection of the petitioner, the Committee may further proceed with the matter.

8. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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