

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

34 WRIT PETITION NO.11901 OF 2018

**RAJENDRA MOHANRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr Munde H. K.
AGP for Respondents State: Mr P S Patil
Advocate for Respondents No.3 : Mr U. B. Bondar

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

DATE : 31st August, 2020

ORDER:

1. Mr. Munde, the learned counsel for the petitioner submits that the caste claim of the petitioner as belonging to 'Wani' was referred to the Scrutiny Committee. The Scrutiny Committee invalidated the caste claim of the petitioner. The learned Advocate submits that the petitioner was not given proper opportunity of hearing. The notice was issued to the petitioner but as his father was ill, he could not attend the hearing and the matter was decided behind his back. The learned counsel submits that the home enquiry is not conducted. It is further contention of the petitioner that subsequently he could get documents of his relative wherein his caste claim is validated.

2. The learned A.G.P. submits that notice was issued and served upon the petitioner. The petitioner, to prolong the matter, deliberately remained absent. By following the proper procedure, the matter is decided.

3. Upon perusal of the judgment it is manifest that on the date, the petition was kept for hearing, the petitioner remained absent. It is not

that only on one date the petitioner remained absent. The petitioner consistently remained absent. In view of that, the Committee did not have any option but to decide the proceeding ex-parte

4. We are also conscious of the fact that the matter deals with the social status of the petitioner. We are inclined to grant one more opportunity to the petitioner. The petitioner also deserves to be mulct with costs.

5. In light of above, we pass following order:

O R D E R

- i. The impugned order is quashed and set aside.
- ii. The parties are relegated before the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee on 22nd September, 2020.
- iii. The Committee shall, after hearing the petitioner, decide the proceeding on its own merits.
- iv. The petitioner is entitled to file additional documents.
- v. The petitioner shall pay costs of Rs.25,000/- to the Scrutiny Committee on or before 22nd September, 2020. The payment of cost is the condition precedent.
- vi. Writ petition is accordingly partly allowed and disposed of. .

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC