

WRIT PETITION NO. 15531 OF 2019

Gangadhar Narsingrao Chepurwar .. Petitioner

Versus

The District Collector Hingoli
and others .. Respondents

Shri Pravin N. Kalani, Advocate for the Petitioner.
Shri P. G. Borade, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 02ND JANUARY, 2020.**

FINAL ORDER :

The caste claim of the petitioner as belonging to 'Mala Dasari' (Scheduled Caste) is rejected. Aggrieved thereby present petition.

2. Amongst the other grounds, one of the contention of the learned counsel for the petitioner is that, the petitioner was not provided with opportunity of hearing. The notice for hearing scheduled on 13.11.2018 was not served upon the petitioner.

3. The learned Assistant Government Pleader submits that, on three dates the matter was kept for hearing that is on 25.09.2018, 10.10.2018 and 13.11.2018, the petitioner failed to appear.

4. The grievance of the petitioner is that, he did not receive notice of hearing on 13.11.2018. He was present for hearing on earlier dates. However, on the earlier dates hearing did not take place.

5. Considering the fact that, the petitioner was not heard when the matter was decided, we are inclined to grant one more opportunity to the petitioner, however, the petitioner also deserves to be mulct with cost.

6. In view of the above, we pass following order.

7. The impugned judgment and order is quashed and set aside subject to payment of cost of Rs. 25,000/- (Rs. Twenty Five thousands only). The said cost shall be deposited on or before 01.02.2020. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 03.02.2020. In case petitioner deposits the cost as directed above, the Committee shall decide the proceeding afresh on its own merits, after hearing the petitioner, expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner. The petitioner shall co-operate in expeditious disposal of the proceeding. As the date has already been given to the petitioner for appearance, the Committee is not required to issue fresh notice to the petitioner. The cost shall be deposited in this Court and thereafter the Registry shall transmit the said

cost to the Government Cancer Hospital, Aurangabad.

8. In the light of the above, the writ petition is disposed of.
No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20