

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2175 OF 2020

Jamal siddiqui

Vs.

State of Maharashtra, through the Minority Welfare Department, through its
Secretary, Mantralaya, Mumbai and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Smt. Dr. R.S. Sirpurkar, Advocate for petitioner.
Shri S.Y. Deopujari, GP for respondent No.1.

**CORAM : R.K. DESHPANDE AND
PUSHPA V. GANEDIWALA, JJ.**

DATED : SEPTEMBER 28, 2020.

Hearing was conducted through video
conferencing and the learned counsel agreed that the audio
and visual quality was proper.

2. The petitioner being Chairman of Maharashtra
State Haj Committee was issued show-cause notice dated
21.05.2020 under Section 25 (1)(ii) of the Haj Committee
Act, 2002 for removal. Ten days time was given to furnish an
explanation.

3. Undisputedly, the petitioner is received it and
claims to have responded on 28.05.2020 seeking further one
month's time to file reply. On 10.06.2020, a notification was
issued for removal of the petitioner as Chairman of the Haj
Committee.

4. The contention of Mrs. Sirpurkar, learned counsel appearing for the petitioner is that the decision has been taken with undue haste without providing reasonable opportunity of being heard in the matter to the petitioner. It is urged that though the respondent received application dated 28.05.2020 for grant of one month's time to file reply, the action has been taken which is in violation of mandatory provision referred to above.

5. We gone through the reply filed by the respondent in paragraph 5 the stand is taken as under;

“5. Though the petitioner mentioned in the petition that he had requested to the respondent No.1 for additional period of one month to file reply to the said notice vide letter dated May 28, 2020, yet no correspondence was received from the petitioner within the given period of 10 days. As no explanation received from the petitioner and all nominated members of Maharashtra State Haj Committee, the Chairman and all nominated members were removed from the said committee vide Government Notification No. Haj-2020/C.R.64/De-5, dated June 10, 2020 (copy of the said notification is annexed herewith and marked as Annexure -II).”

6. We put specific question to Mrs. Sirpurkar, learned counsel appearing for the petitioner to show us a specific stand taken in the writ petition regarding sending of this communication dated 28.05.2020 on the email address of the authority concerned. She is unable to point out any such statement in the petition. The fact of receipt of this correspondence/communication has been denied by the

respondent. It is not in dispute that petitioner did not furnish explanation on the merits to the reply and the action impugned has been taken. We find that the question as to whether the petitioner sought time for one month to furnish explanation, is disputed question of fact. Hence, we are unable to entertain such dispute in a writ petition.

7. The writ petition is dismissed. No order as to costs.

8. The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE

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