

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

**WRIT PETITION NO. 2049 OF 2020**

Anis Khan Sher Khan

Vs.

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

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

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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 who was the member of  
Maharashtra State Haj Committee was removed under  
Section 25 (1)(ii) of the Haj Committee Act, which we  
reproduced below;

***“25. Removal of Chairperson and members***

*(1) The State Government by notification in the  
Official Gazette, remove the Chairperson of the State  
Committee or any member thereof, if he*

*(i) is or becomes subject to any of the disqualification  
specified in Section 23; or*

*(ii) refuses to act or is incapable of acting or acts in a  
manner which the State Government, after hearing  
any explanation that he may offer, considers to be*

*prejudicial to the interests of the State Committee or the interests of the pilgrims; or  
(iii) fails, in the opinion of the State Committee, to attend three consecutive meetings of the State Committee, without sufficient excuse.”*

3. The ground of challenge raised in the petition is that the petitioner was not given any show-cause notice or an opportunity of being heard or to furnish the explanation in respect of show-cause notice, which is mandatory requirement under clause (ii) of sub-section (1) of Section 25 reproduced above.

4. In order to ascertain this, we issued notice to the respondents for final disposal of the matter. In response to which an affidavit dated 20.07.2020 has been filed by the Deputy Secretary, Minorities Development Department, Government of Maharashtra, relevant portion content in paragraph 6 of the affidavit is reproduced below;

*“6. .... In view of the complaints received against the Chairman and all nominated members, notices dated May 21, 2020 were sent to them on their email ID as the post office was unable to deliver the said notices due to lockdown. In the said notices the Chairman and all nominated members were requested to submit their explanation within 10 days from the receipt of the said notice. It was confirmed that none of these emails had been bounced back. Also all nominated members were informed through text message on their mobile*

*phones about the said notice and period to submit explanation. The copy of the notice, which was sent to the petitioner by email, is annexed herewith and marked as Annexure-III. Considering these facts, the allegation of Petitioner that, he had not been served notice, is not true and baseless. Also it is being kindly brought to the notice of Hon'ble High Court that, international Haj has been cancelled for the year 2020 due to COVID-19 pandemic."*

5. It is the specific case of the respondent that the show-cause notice was sent on email address of the petitioner and also that it was text on the mobile phone, which is attached along with the affidavit.

6. Upon specific query, Mrs. Sirpurkar, learned counsel appearing for the petitioner submits that the email address on which the show-cause notice sent to have been claimed by respondent, is of the petitioner. In view of this, what we find is that respondents formed an opinion that the petitioner was served with the show-cause notice and in the absence of any reply by the petitioner, the proceedings of show-cause notice are decided and impugned action has been taken. We are unable to entertain the disputed questions of fact.

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**

Wagh