

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

246 WRIT PETITION NO.8205 OF 2021

**SAJAN ASHOKRAO TOTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents 1 to 5 : Mr. S.P. Tiwari
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.
DATED : 09/08/2021.**

PER COURT :

. The caste claim of the petitioner is invalidated under the impugned judgment.

2. Mr. S.M. Vibhute, learned advocate for the petitioner submits that the petitioner could not file his say to the Vigilance Report. At the relevant time, father of the petitioner had died due to cancer. As such, he has sought adjournment. Only because of this reason which was beyond the control of the petitioner, the petitioner could not file say to the Vigilance Report and submit his say.

3. The learned A.G.P. submits that ample opportunity

has been granted to the petitioner. The petitioner was only prolonging the matter. The Committee has considered all the documentary evidence on the record and the petitioner was also given opportunity to argue the matter.

4. We have gone through the judgment and order.

5. It appears that the petitioner did not file his say to the Vigilance Report. It also appears from the judgment and order that the petitioner had given application that his father is suffering from cancer and in the meantime, the father of the petitioner died, though the petitioner could have filed his say on the next date. However, considering that the matter pertains to 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.

6. In the light of that, we quash and set aside the impugned judgment and order. The parties are relegated before the Scrutiny Committee. The petitioner shall deposit cost of Rs.10,000/- with this Court. The registry shall transmit the said amount to the Government Medical College and Hospital,

Aurangabad for spending it on poor patients.

7. The cost shall be deposited on or before 2nd of September 2021. The petitioner shall appear before the Committee on 3rd September, 2021 after deposit of the cost. Deposit of the cost is condition precedent. The Committee shall endeavour to decide the proceeding expeditiously.

8. The order terminating service of the petitioner is also set aside. The petitioner shall be reinstated in the service within fifteen days. The petitioner be given continuity, however, shall not be given backwages. The employer may take further course of action depending upon the outcome of the judgment of the scrutiny committee.

9. The Writ Petition is accordingly disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/