

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

22 WRIT PETITION NO.7879 OF 2020

**PRABHAKAR THAKUBA DANDGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents/State : Mr. S.R. Yadav-Lonikar
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 09th AUGUST, 2021

PER COURT:-

1. The petitioner has prayed for a direction in the nature of quashing and setting aside the impugned order dated 31.10.2020 vide which the Competent Tribe Scrutiny Committee has rejected his claim for seeking a validity certificate.

2. We have considered the submissions of the learned advocate for the petitioner and the learned AGP on behalf of the respondents.

3. A short issue emerges from this petition. The scrutiny committee issued a notice of hearing dated 01.10.2020 and dispatched it to the petitioner by R.P.A.D. The hearing in the matter was posted on 09.10.2020 at 11.00 am. The petitioner claims that he received the notice on 15.10.2020. The acknowledgment receipt available with the committee also indicates that the petitioner was served with the said notice on 15.10.2020. On 16.10.2020, the petitioner moved an

application to the committee for seeking a further schedule of the hearing. To the misfortune of the petitioner, the committee delivered it's verdict on 31.10.2020 without granting any date for enabling the petitioner to address the committee.

4. The learned AGP submits that in several matters of such nature, though the Court has caused an interference in the interest of justice, costs have been imposed. He prays for heavy cost of Rs.50,000/-.

5. The learned advocate for the petitioner submits that had he received the notice in time and would have then remained absent without intimation, he would surely be faulted. However, if the notice reached him, admittedly, on 15.10.2020 at 05.00 pm, it was humanly impossible for him to remain present before the committee on 09.10.2020 at 11.00 am, as he had never received the said notice before the said date.

6. The learned advocate for the petitioner supplies his cellular phone number as 9423453313 and his email-id as prabhakardandge2@gmail.com. He prays that besides a physical notice being dispatched, he would accept the communication even on whatsapp and e-mail.

7. In view of the above, this petition is partly allowed. The impugned order dated 31.10.2020 is quashed and set aside. We are not imposing costs on the petitioner since he had not received the notice before the date of hearing.

8. To simplify things, we are directing respondent no.2 to arrange for a hearing in the matter of the petitioner on 06.09.2021 at 1 pm. The petitioner shall not seek an adjournment under any pretext and more so since he has also engaged a counsel before the committee. We expect the petitioner to render wholehearted co-operation in the proceedings and any laxity on his part would entail necessary consequences.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)