

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

WRIT PETITION NO. 11962 OF 2021

Tanaya Bhujang Kambale .. Petitioner

Versus

The Director Medical Education and
Research and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.
Shri M. D. Narwadkar, Advocate for Respondent Nos. 1 and 2.
Shri A. R. Kale, A.G.P. for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 17TH NOVEMBER, 2021.**

FINAL ORDER :

. The tribe claim of the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe) is invalidated.

2. Amongst the other submissions, one of the submissions made by Mr. Deshmukh, the learned advocate for the petitioner is that, the petitioner has sought cross examination of the vigilance officer. The said request has not been accepted, nor rejected by the Committee before passing final order. The learned counsel relies on the judgment of this Court at Nagpur in Writ Petition No. 114 of 2011 dated March, 15, 2011 and in Writ Petition No. 4443 of 2019 dated 14.09.2021.

3. Mr. Kale, the learned Assistant Government Pleader submits that, the petitioner has not given any application seeking permission to cross examine the vigilance officer. No separate application has been given. Only bald statement is made in the say filed by the vigilance officer. In view of that, committee was not required to consider the same as no specific request was made. The ground taken in the say to the vigilance report is also vague. It is not clarified as to the purpose of cross examination.

4. It appears that, while filing say to the vigilance report in clause F, the petitioner has sought cross examination of the vigilance officer. Of course, the cross examination may not be as a matter of course. But in deserving cases cross examination can be permitted. It is for the committee to decide whether case exists for permitting cross examination.

5. In the light of the above, we pass following order.

6. The matter is remitted back to the Committee. The petitioner shall appear before the Committee on 26th November, 2021. The petitioner shall file an application before the Committee seeking permission for cross examination of the vigilance officer, giving the relevant details. The committee shall thereafter take decision on the application filed by the petitioner on its own merits and depending upon the order passed on the application, further course be adopted by the parties. The

application filed by the petitioner for cross examination shall be decided by the Committee expeditiously, preferably within a period of fifteen (15) days from the date of filing of the application.

7. In view of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov.21