

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

WRIT PETITION NO. 2251/2018

(Ku.Soni d/o Marotrao Lonare (Smt. Soni w/o Eknath Borkar) vs. The
Scheduled Tribes Caste Scrutiny Committee, Nagpur and others)

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

Court's or Judge's order

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Mr. P. R. Parsodkar, Advocate for the petitioner
Mr V.P.Thakre, AGP for respondent no.1

**CORAM : DIPANKAR DATTA, C.J.&
PUSHPA V. GANEDIWALA, J.**

DATED : FEBRUARY 01, 2021.

P. C.

1. Challenge in this writ petition is to an order dated 7th March 2018 passed by the respondent no.1 /Scrutiny Committee, Nagpur in Case No. ID-G-ST/1998/10301 invalidating the caste claim of the petitioner. We find the challenge to such order being based on the ground of observance of the principles of natural justice in the breach.
2. It appears from page 38 of the writ petition that the petitioner by her application dated 23rd February 2019 sought for an adjournment of hearing on the ground of her illness. However, it is pleaded in the writ petition that without considering the prayer for adjournment, the respondent no.1/Committee proceeded to invalidate the claim of the petitioner on the ground that she has failed to produce the relevant documents in support of her caste claim.
3. We have heard learned advocates appearing for the parties and perused the materials placed on record.

4. Since the petitioner had applied for an adjournment on the ground of her ill-health, we are of the opinion that the respondent no.1/Committee could have accepted such a prayer and fixed another date for production of the requisite documents by the petitioner, in support of her claim. Refusal to grant accommodation, on facts and in the circumstances, does not appear to be proper. It is only on the ground of breach of principles of natural justice that we are inclined to interfere with the impugned order dated 7th March 2018. The same stands set aside.

5. The respondent no.1/Committee is directed to proceed afresh against the petitioner without being influenced by any of the findings that might have been recorded in the impugned order dated 7th March 2018. To obviate further delay in consideration of the petitioner's claim, we direct the petitioner to remain present before the respondent no.1/Committee on **22nd February, 2021 at 12.00 noon**, with all requisite documents in support of her caste claim. In the meanwhile, the Committee shall obtain requisite police vigilance report and a copy of such report must be served on the petitioner at least 48 hours before the date of hearing. We hope and trust that the petitioner shall not make any prayer for further adjournment. The Committee shall proceed to consider the grievance of the petitioner in the correct perspective and dispose of the proceedings by passing a reasoned order, as early as possible.

6. Till the decision of the respondent no.1/Committee is served on the petitioner, her service shall not be disturbed.

7. With the above directions, the writ petition stands disposed of. There shall be no order for costs.

JUDGE

CHIEF JUSTICE

sahare