

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

138 WRIT PETITION NO.11747 OF 2022

SANJAY DAGDU THAKUR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Wagh Mukulanand R.
AGP for Respondents: Mr. S G Karlekar.

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CORAM : RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.
Dated : December 02, 2022

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PER COURT :-

1. The petitioner is before us on account of the impugned judgment and order dated 30.6.2022 delivered by the competent Committee vide which his claim of belonging to "Thakur" Scheduled Tribe has been invalidated.

2. After briefly hearing the submissions of the learned Advocate for the petitioner and the learned AGP, and considering the order that we intend to pass, we are not adverting to the merits of the claim of the petitioner and the reasons assigned by the Committee in support of its conclusion of rejecting his claim. Suffice it to say

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that, we are dealing with this claim only to the extent of an opportunity of hearing being granted to the petitioner.

3. The petitioner does not dispute that, after the vigilance cell inquiry report was served upon him, some of the documents relied upon by the Committee were given to him and he was deprived of some of the documents. He sought adjournment on three occasions. The hearing was posted on 28.12.2021, 26.4.2022 and 27.6.2022. On all these dates, he sought an adjournment. Thus, it is obvious that over a period of seven months, the petitioner did not submit his written say to the vigilance cell inquiry report. As such, the petitioner could blame himself alone. However, he submits that, he is praying for mercy of this Court. He desires to place on record before the Committee the documents pertaining to four blood relatives having received validity certificates. He, therefore, submits that, he is willing to pay the costs and this Court may grant him one single date on which he would submit his

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written say alongwith the documents, and thereafter, the Committee can close the proceedings for passing orders.

4. The learned AGP has vehemently opposed the said request by contending that there are several adverse entries and contrary evidence. Several documents would indicate interpolation. He, therefore, prays for dismissal of the petition.

5. We quite see that the petitioner was given three dates for hearing over a period of six months. He has squandered away the opportunities given to him by the Committee by seeking adjournments. At the same time, it has to be considered that, by his own conduct, he has lost the opportunity of hearing.

6. It is, in these premises, that we find it appropriate to impose costs upon the petitioner, which he would donate to the said competent Committee and grant him one opportunity of hearing. After hearing the petitioner,

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the Committee shall deliver its judgment as it may deem appropriate in the light of the record available.

7. As such, this petition is partly allowed by setting aside the impugned judgment and order dated 30.6.2022, with the following directions :-

- a] The petitioner shall appear before the Competent Committee on 15.12.2022 at 12.00 noon.
- b] His written submissions alongwith the documents, which he intends to place before the Committee, shall be filed on the said date and time.
- c] After recording submissions of the petitioner, the Committee would close the matter for judgment and deliver the same on 20.1.2023 at 4.30 pm. The petitioner shall remain present on the said date and time and shall receive copy of the order.
- d] If the petitioner fails to take the benefit of the hearing posted on 15.12.2022, this order shall stand recalled and the original judgment of the Committee dated 30.6.2022 would then stand restored.

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- e] The petitioner shall deposit an amount of Rs.10,000 /- (Rs. Ten Thousand) with the Committee as costs on 15.1.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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