

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3188 OF 2015

Asha Avadesh Yadav

....Petitioner

V/S

State of Maharashtra & Ors.

....Respondents

...

Mr. Ramchandra K. Mendadkar a/w Mr. T.V. Jadhav for the Petitioner.
Mrs. S.S. Bhende, AGP for Respondent Nos.1, 2 and 5-State.

...

**CORAM : S.V. GANGAPURWALA &
SANDEEP V. MARNE, JJ.**

DATE : 19 JULY 2022.

P.C.:

1 Amongst other submissions one of the submission of the learned Counsel for the Petitioner is that the vigilance report was in favour of the Petitioner. If the Committee had to take a different view then show cause notice as contemplated under Rule 17(11)(i) of the Caste Certificate Rules, 2012 was necessary. The same is not given and the judgment is delivered contrary to the vigilance report. The learned AGP submits that the Petitioner filed the say to the vigilance report and was also heard by the Committee.

2 The caste claim of the Petitioner is invalidated. In the vigilance report, the vigilance did not find any interpolation in the documents nor it can be said that the vigilance report was against the Petitioner. In that event if the

Committee had to take a different view then show cause notice certainly ought to have been issued. In the present case, it appears that the same has not been issued. In light of that we pass the following order:

Order

- i) The impugned judgment and order is set aside. The parties are relegated before the Committee, the Committee shall issue show cause notice to the Petitioner as required under Rules. The Petitioner shall appear before the Scrutiny Committee on 17 August 2022.
- ii) The Committee shall serve the show cause notice to the Petitioner under the Rules and thereafter decide the matter afresh.
- iii) If the claim is validated the Petitioner may take further steps in accordance with law.
- iv) The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(S.V. GANGAPURWALA, J.)

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