

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4354 OF 2022**

**PRIYA  
RAJESH  
SOPARKAR**

Sajeel Saleem Shaikh

... Petitioner

V/s.

State of Maharashtra and ors.

... Respondents

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PRIYA RAJESH  
SOPARKAR  
Date: 2022.04.16  
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Mr.C.K.Bhangoji, Advocate for the Petitioner.

Ms.A.A.Purav, AGP for the State.

Ms.Savita Ramoj, Law Officer, CVL, Thane, (Kokan Bhavan, Belapur)  
present.

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**CORAM : S. V. GANGAPURWALA AND  
VINAY JOSHI, JJ.**

**DATE : 13<sup>th</sup> APRIL, 2022.**

**P.C.:-**

1. The caste claim of the Petitioner is invalidated. Aggrieved thereby, the present petition.

2. The learned counsel for the Petitioner submits that Petitioner was never issued with the show cause notice for filing say to the Vigilance Report. The Petitioner was not served with the copy of the Vigilance Report. The learned counsel was not aware of the procedure before the committee. The Petitioner received the notice of hearing. He appeared on that day, but as he was not aware of the procedure of filing say to the Vigilance Report, obtaining the copy of the

Vigilance Report, the Petitioner could not file his say to the Vigilance Report.

3. The learned counsel submits that the Petitioner be given an opportunity to put forth his case before the scrutiny committee.

4. The learned AGP submits that twice the notices were sent to the Petitioner. The show cause notice was also issued to the Petitioner. The Petitioner failed to avail opportunity of filing say and obtaining the copy of the Vigilance Report.

5. After hearing the Petitioner, the order is passed by the scrutiny committee. The scrutiny committee found that the Petitioner relied upon forged validity certificate of his relative.

6. We have considered the submissions. It appears from the roznama that the Petitioner was served with the notice of hearing. The Petitioner appeared before the scrutiny committee for hearing and put forth his case. On perusal of the record, we do not find that the show cause notice, if any, issued by the committee was served upon the Petitioner. The copy of the Vigilance Report is required to be served upon the Petitioner and an opportunity is required to be given to the Petitioner to file his say to the Vigilance Report. Ofcourse the Petitioner could have agitated this aspect and appeared before

the committee for hearing. At that time the Petitioner did not make grievance about the non-receipt of the Vigilance Report.

8. Be that as it may, the matter pertains to the social status of the Petitioner.

9. In view of that, we are inclined to grant one more opportunity to the Petitioner. However, the Petitioner also deserves to be mulct with costs.

10. In the result, we pass the following order:-

The impugned order is quashed and set aside and the matter is relegated before the committee on condition that the Petitioner deposits cost of Rs.30,000/- with the committee within two weeks from today. The deposit of cost is condition precedent.

11. If the Petitioner deposits the cost as directed above, then the committee shall give the copy of the Vigilance Report to the Petitioner on the date the Petitioner appears i.e. on 28<sup>th</sup> April, 2022. On the said date the Petitioner shall obtain the copy of Vigilance Report from the scrutiny committee and thereafter, file say to the Vigilance Report within a period of 15 days. The Committee shall thereafter decide the proceedings finally within three months from the date of appearance of the Petitioner before it.

12. If the Petitioner fails to deposit the cost as directed above, then the proceedings before the committee shall stand dismissed.

13. Writ Petition is disposed of. No costs.

**(VINAY JOSHI, J.)**

**(S.V.GANGAPURWALA, J.)**

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