

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

WRIT PETITION NO. 5108 OF 2022

Uday Baban Ghate ... Petitioner
Vs.
State of Maharashtra Thr. its Secretary & Ors. ... Respondents

Mr. R. K. Mendadkar for the Petitioner.
Smt. A. A. Purav, AGP for the Respondent Nos. 1 & 2-State.
Mr. Anand S. Kulkarni for the Respondent No. 3.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ**

DATED : 13th DECEMBER, 2022

P.C.:

1. Mr. Mendadkar, learned counsel for the petitioner invites our attention to the failure of the respondent-committee in furnishing the vigilance cell report to the petitioner.
2. According to him, as a sequel of above, the petitioner was not in a position to explain the adverse material which was considered by the respondent-committee. The aforesaid position about the non service of vigilance cell report to the petitioner is not disputed.
3. That being so, having regard to the fact that there is denial of opportunity of hearing to the petitioner, the order impugned dated 22/02/2022 is hereby quashed and set aside.

4. We direct the respondent-committee to ensure the service of vigilance cell report to the petitioner in any case within two weeks from today. The petitioner shall be at liberty to submit his explanation to the same as shall be directed by the committee.
5. We further warn the Committee that in case if the similar conduct is noticed from the next occasion, the Court will be constrained to direct the recovery of cost of litigation before this Court from the salary of the committee members.
6. The petition stands partly allowed in the above terms.

(SHARMILA U. DESHMUKH, J) (NITIN W. SAMBRE, J.)