

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

WRIT PETITION NO. 1550 OF 2020

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Kanchan Gajanan Pete

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Kaustubh Dube for the Petitioner
Ms. S. S. Bhende, AGP for the State

**CORAM: S.V.GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 17, 2022

P.C.

1 Rule.

Rule is made returnable forthwith.

By consent of the parties, taken up for final disposal.

2 The caste claim of the Petitioner as belonging to Koli Mahadev Scheduled Tribe is invalidated. Aggrieved thereby, the present Writ Petition.

3 The learned Counsel for the Petitioner submits that the Petitioner was not given proper opportunity before the Committee. The Petitioner was served with a copy of the vigilance report on 1st July 2019. The Petitioner was directed to appear before the

Committee on 6th July 2019. The father of the Petitioner had requested for more time. Though the notice is said to be issued on 9th July 2019, the same was posted on 16th July 2019 and received by the Petitioner on 17th July 2019. The Petitioner, in the said notice, was directed to appear before the Committee on 17th July 2019. The Petitioner resides at Tq. Haveli and there was no way the Petitioner could have appeared before the Committee at Pune on 17th July 2019 i.e. on the same day. The Petitioner could not file his say. On 17th July 2019 the Committee passed order invalidating the caste claim of the Petitioner. The learned Counsel for the Petitioner submits that one more opportunity be granted to the Petitioner.

4 We have heard the learned AGP.

5 It appears that the Petitioner did not file say to the vigilance report and also could not put-forth his case before the Authority. The matter concerns the social status of the Petitioner.

6 In view of the facts and circumstances of the present case, we are inclined to grant one more opportunity to the Petitioner.

7 The impugned order is quashed and set aside. The parties are relegated before the Scrutiny Committee. The Petitioner shall appear before the Scrutiny Committee on 15th September 2022 and file his say to the vigilance report.

8 The Committee shall, after hearing the Petitioner, decide the caste claim of the Petitioner afresh on its own merits and in accordance with the law, preferably within three months.

9 Rule is made absolute in the aforesaid terms.

10 The Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)