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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15496 OF 2022**

Vaishali D/o Bhagwantrao Aher
Alias Rupal Mohan Soundane

... Petitioner

Vs.

The State of Maharashtra
Department of Tribal Development
& Ors.

... Respondents

Mr. Sushant C. Yeramwar for the Petitioner.
Smt. P. N. Diwan, AGP for Respondent Nos. 1 to 3.

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

DATE: DECEMBER 19, 2022

P.C.:-

1] According to the Petitioner, on 5th October, 2020 she has already informed Respondent-Committee about change of address. In spite of above, Vigilance Cell Report was served on her old address and as a sequel of which, Petitioner failed to submit her explanation. According to the Petitioner, order impugned is passed without hearing the Petitioner, thereby invalidating Tribe claim.

2] Learned AGP submitted that in the facts and circumstances

of the case appropriate order be passed.

3] Annexure-D to the Petition is a communication dated 5th October, 2020 wherein Petitioner has informed the Respondent-Committee about change of her address. The said communication is duly acknowledged by the Respondent-Committee.

4] The impugned order was passed on 23rd November, 2022 based on the Vigilance Cell Report and the notices of hearing. It is mentioned in the order impugned that three notices of hearing were issued i.e. on 28/06/2022, 29/07/2022 and 25/08/2022. However, since notices were served on old address and not on changed address of the Petitioner, Petitioner was unaware about schedule of hearing of the claim for validity. Apart from above, submission made by the Petitioner that Vigilance Cell Report was not made available in view of change in address is also required to be accepted. As such, order impugned dated 23rd November, 2022 is hereby quashed and set aside.

5] We direct the Petitioner to appear before the Committee on 4th January, 2023. Committee shall make available Vigilance Cell Report to the Petitioner with the annexures/adverse material. Petitioner assures that within one month thereafter she shall submit her explanation to the Vigilance Cell Report. Committee

must address any further communication to the Petitioner on her changed address. Committee to decide the claim of the Petitioner expeditiously.

6] Petition stands allowed in the above terms.

[SHARMILA U. DESHMUKH, J.] [NITIN W. SAMBRE, J.]