

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2740 OF 2023

GOPAL RAMDAS JINKALWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

Advocate for the Petitioners : Shri Patil Sandesh R.
AGP for Respondents 1 and 2/State : Shri S.P. Tiwari

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 13th March, 2023

Per Court :-

1. The Petitioners have put forth prayer clauses C, D,
E, F and G as under:-

“C. By way of appropriate writ or order or direction in the like nature, impugned vigilance report the dated 20.01.2023 issued by the Respondent No.3 may kindly be quashed and set aside.

D. By way of appropriate writ or order or direction in Respondent Certificate Kinwat kindly the No.2 like nature, Scheduled Verification the Tribe Committee, Division, Aurangabad, be directed to may initiate Departmental Enquiry against Respondent No.3 Shri. S.B. Jagtap, Police Inspector, Vigilance Officer of Scheduled Tribe Certificate Verification Committee, Kinwat

Division, Aurangabad.

- E. By way of appropriate writ or order or direction in Respondent Certificate Kinwat the No.2 like nature, Scheduled Verification the Tribe Committee, Division, Aurangabad, may kindly be directed to consider all the historical evidences and other necessary documents relied by the Petitioners in support of their tribe verification claim.*
- F. By way of appropriate writ or order or direction in Respondent Certificate Kinwat the No.2 like nature, Scheduled Verification the Tribe Committee, Division, Aurangabad, may kindly be directed to give documents mentioned in application dated 18.01.2023 (i.e. Exhibit "I") to the Petitioners.*
- G. Pending hearing and final disposal of this writ petition stay may kindly be granted to the conclusion/ pronouncement of order by Respondent No.2 Committee in proceedings pending before it in respect of tribe claim of Petitioners.”*

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned AGP. Insofar as prayer clause D is concerned, we have no reason to entertain this petition. The Petitioners have a reason to be annoyed with Respondent No.3. The police complaint has been registered with the Police Station and the Police Department is investigating the same. This Court cannot pass an order in the nature of directing a

departmental enquiry against an officer, when a police complaint is already filed.

3. The other grievance of the Petitioners is that when the earlier vigilance cell inquiry was already conducted, a further inquiry could not have been initiated.

4. We find that the proceeding pertaining to the claim of the Petitioners of belonging to “Koli Mahadev”, Scheduled Tribe category, is pending before the competent Committee. The vigilance cell inquiry report, which has been recently delivered, has already been served upon the Petitioners. As it was delivered by hand, the Committee failed to issue a show cause notice.

5. The learned AGP submits, on instructions, that the show cause notice would be issued to the Petitioners on their addresses and/or on the email address, which is gopaljinkalwad007@gmail.com. Fifteen days time would be granted to the Petitioners to submit their reply. Thereafter, a hearing would be conducted and a final order would be passed on or before 31.05.2023.

6. In view of the above, the Petitioners submit that they are willing to tender a detailed reply along with their objections to the vigilance cell inquiry report. Hence, **this Writ Petition**

need not be entertained and the same is disposed off. Needless to state, the competent Committee would consider the say and the contentions of the Petitioners as may be set out in the written reply to be filed, while deciding their cases.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)