

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3038 OF 2023

**RAVIRAJ HIRALAL THAKUR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...
Advocate for Petitioner : Mr. Sudhir Raghunath Barlinge
AGP for Respondents – State : Mr. S. K. Tambe
...

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATED : 20th MARCH, 2023

PER COURT :

1. We have considered the submissions of the learned Advocates for the respective sides.

2. This is a case wherein the Petitioner had initially filed Writ Petition No. 5006 of 2007, when he was 18 years old, seeking a direction to the Scrutiny Committee to decide his claim belonging to the “Thakur” Scheduled Tribe. By an order dated 21th September 2007, The Scrutiny Committee was directed to decide his claim. Since it was not decided, the Petitioner again approached this Court in Writ Petition No. 6767 of 2008. This Court directed the Director of Medical Education, not to cancel the admission of the Petitioner to the BHMS Course - first year, since his claim

was pending. By an order dated 17th November 2008, the Petitioner was granted the admission card and the Respondents were prevented from obstructing his educational pursuits till the decision by the Scrutiny Committee. The said Petition was subsequently disposed off.

3. It is now 15 years. The Petitioner has already completed his medical education. On the basis of the claim of belonging to “Thakur” Scheduled Tribe, he has become a doctor. Presently, he is in medical practice. By the impugned order dated 11th August 2022, his claim has been rejected.

4. It appears from the record that as there were certain deficiencies in the first Vigilance Cell Inquiry, after the matter was transferred to the Dhule Committee, the assistance of the Vigilance Cell was once again taken. The report of the Vigilance Cell is said to have drawn conclusions adverse to the Petitioner’s claim. The Petitioner did not respond to the notices of the Committee and did not participate in the hearings of the Vigilance Cell Inquiry on three occasions. Finally the impugned order is passed.

5. The learned Advocate for the Petitioner submits on instructions that a particular date and time may be granted for a hearing on the Vigilance Cell Inquiry Report and the Petitioner assures that he would appear on the said date and participate in the proceedings. He would not seek a single

adjournment. His blind father would also accompany him.

6. The learned Advocate for the Petitioner concedes that not a single family member from the paternal side has received any validity certificate. However, there is no case of invalidation.

7. The learned AGP submits that the Petitioner can appear before the Committee on 10th April 2023 at 12.00 noon and abide by the schedule of hearing.

8. The learned Advocate for the Petitioner tenders his E-mail ID as 2drravirajthakur@gmail.com.

9. In view of the above, this Petition is partly allowed and the impugned order is quashed and set aside, only to facilitate one last opportunity of hearing to the Petitioner who has avoided the hearings on three occasions earlier, with the following directions :-

A] The Vigilance Cell Inquiry Report dated 11th March 2023 would be delivered to the Petitioner on the e-mail address tendered to the Court as above, within five days.

B] The Petitioner would appear before Respondent No.2 Committee on 10th April 2023 at 12.00 noon and participate in the hearing before the Committee. He will tender his written notes of submissions and case law, if any.

C] The Petitioner would abide by the further dates of hearing, if any.

D] After the conclusion of the hearing, the Committee is at liberty to deliver its order on or before 30th June 2023.

E] If the Petitioner does not remain present on 10th April 2023, the Committee would be at liberty to close the proceedings and in which case, the impugned order dated 11th October 2022, shall stand restored.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

Tandale/-