

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO.6482 OF 2023

DNYANESHWAR SHANKAR MUDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND ANOTHER

...
Advocate for Petitioners : Mr. Thorat Mohanish V.
AGP for the respondent – State : Mr. P.S. Patil
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19 JUNE 2023

PC :

Heard.

2. The petitioners are challenging the purported order mentioned in the *roznama* of the enquiry being made by the respondent – scrutiny committee wherein the application of the petitioners seeking to call few witnesses has been rejected in one sentence without assigning any reason.

3. We have heard learned advocate for the petitioners and the learned AGP.

4. The copy of the *roznama* does bear an endorsement about the request of the petitioner having been rejected. It is absolutely devoid of any reason as to why the committee was not with the

petitioners who were making application for examination of the witnesses specially referring to section 9 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and Order XVI and section 31 of the Code of Civil Procedure. They had also given the reasons for calling of these witnesses.

5. It was expected of the Committee to have considered the request on its own merits and should have decided it by assigning cogent and convincing reasons.

6. Pertinently, though the matter was reserved for passing final order on 23-03-2023, till date no final order has been passed by the respondent no. 1. Since it is a matter of enquiry by the respondents, the enquiry is not adversarial. There was no question of any urgency when the petitioners were seeking to call few witnesses. It was at their peril.

7. We allow the writ petition partly, quash and set aside the endorsement in the *roznama* rejecting the petitioners applications for calling the witnesses.

8. The respondent no. 1 shall now hear the petitioners and pass reasoned order on their application on its own merits.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/