

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

WRIT PETITION NO. 11862 OF 2023

Mukesh s/o Sayanna Koshakewar,
Age 27 years, Occ. Nil.
R/o. Kundalwadi, Tq. Biloli,
Dist. Nanded.

... **Petitioner.**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
- 2) The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Headquarter at Aurangabad,
Through its Dy. Director (R)
Dist. Aurangabad.

... **Respondents.**

...

Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
A.G.P. for the Respondents/State : Mr. S.G. Sangle

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

DATE : 03.10.2023

PER COURT :

Heard both the sides finally at the stage of admission.

2. The learned advocate for the petitioner submits that since the petitioner was selected as a Sales Tax Inspector in the selection process through M.P.S.C. and was in urgent need of a decision of the respondent-scrutiny committee in respect of his claim for validation of his 'Mannervarlu' scheduled tribe, as per the instructions of the Maharashtra Administrative Tribunal the Member Secretary of the committee was arrayed as a

respondent in the original application wherein the Tribunal directed the committee to decide the petitioner's proposal expeditiously. He would submit that perhaps annoyed by this fact the committee did not extend sufficient opportunity to the petitioner, even to respond to the vigilance report. He would further submit that now that his appointment has been cancelled and even he has withdrawn the original application, the matter may be remanded to the scrutiny committee by quashing and setting aside the impugned order and directing it to permit the petitioner to participate in the enquiry by filing a reply to the vigilance report.

3. The learned A.G.P. would support the order by submitting that opportunity was extended as indicated in the impugned order to file a reply but the petitioner changed his advocate who again had made same request which was rejected.

4. Having heard both the sides it does appear that couple of opportunities were extended to the petitioner to submit a reply to the vigilance report. It is also a common ground that the committee was required to decide the proposal pursuant to the directions of the Maharashtra Administrative Tribunal. The fact remains that the impugned order was passed without extending sufficient opportunity to the petitioner of being heard by filing a reply to the vigilance report.

5. Instead of indulging in blame game, in view of the peculiar supervening events wherein the petitioner's appointment has been cancelled and is merely requesting fair opportunity to substantiate his claim before the committee, in our considered view, the following order would meet the ends of justice.

6. The Writ Petition is partly allowed. The impugned order is quashed and set aside. The matter is remanded back to the respondent-scrutiny committee for decision afresh. It shall extend opportunity to the petitioner to file a reply to the vigilance report and then shall proceed to decide the

proposal finally within four months.

7. The petitioner shall appear before the committee on 09.10.2023 along with his reply.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-