

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

979 WRIT PETITION NO.13147 OF 2022

**AACHAL SANJAY MUNDLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND ANOTHER**

...

AND

980 WRIT PETITION NO.13197 OF 2022

**SANJAY PURUSHOTTAM MUNDLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. C.R. Thorat
AGP for Respondents : Mr. S.B. Pulkundwar/ Mr. A.S.Shinde

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CORAM : MANGESH S. PATIL & S. G. CHAPALGAONKAR, JJ.

Dated: 8 June 2023

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ORAL ORDER :- (MANGESH S. PATIL, J.)

. Heard both sides.

2. The petitioners are daughter and father. The only grievance being put forth by the learned advocate for the petitioner/s is lack of opportunity of being heard to the petitioner/s by the respondent Caste Scrutiny Committee. Learned advocate points out that the request was made seeking time to secure the record of a distant validity holder and still that

was not extended to. Petitioner/s have not been provided sufficient opportunity to substantiate their claim. Career of the petitioner Aachal in writ petition no.13147 of 2022 is at stake. Both the petitioner/s are ready to go before the Scrutiny Committee and produce all record, which they would be able to do within three weeks' from today.

3. Petitioner Aachal in writ petition no.13147 of 2022 has already appeared for 12th standard examination and is aspiring for further admission and her fate would depend upon the decision by the Scrutiny Committee.

4. Petitioner Sanjay Mundle in writ petition no.13197 of 2022 is working as Police Head Constable since last 37 years at Aurangabad.

5. Learned AGP points out that the petitioner/s have not filed response to the report of the Vigilance Cell also.

6. There is enough record to demonstrate that a request was being made by the petitioner/s seeking time to fetch the record of the validity holder. It is interesting to note that even when admittedly the petitioner/s had not filed any response/reply to the report of the Vigilance Cell served upon them, contrary

observations have been made by the Committee in paragraph no.5 about having gone through the reply, which clearly demonstrates lack of application of mind.

7. Be that as it may, the Committee ought to have borne in mind that it was not called upon to decide some adversarial litigation. It is a matter of caste claim to be verified by the Scrutiny Committee according to law. There was no hanging sword on the Committee to decide the petitioners' case within stipulated time and innocuous request for time to produce record was turned down. Heavens would not have fallen had sufficient opportunity been extended to the petitioner to substantiate the claim.

8. We allow both the writ petitions partly, quash and set aside the impugned judgment and order of the Scrutiny Committee and remand the matter to it for decision afresh, by extending sufficient opportunity to the petitioners to file a reply to the Vigilance Cell and any other document/record they intend to file. They shall file all such reply/documents before the Scrutiny Committee within three (3) weeks from today. The Scrutiny Committee shall take it on record and decide the matter afresh within four (4) weeks thereafter, on its own merits.

9. The writ petitions are disposed of.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

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