

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

WRIT PETITION NO.14400 OF 2023

**SUSHMA SUDHAKAR TAYADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr. A. A. Kokad, Advocate for Petitioner
Mr. S. K. Tambe, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 28.11.2023

PER COURT :-

1. The Petitioner was working as a Shikshan Sevak. She had acquired employment on the basis of a claim of belonging to the Tokare Koli, Scheduled Tribe. Her brother who was suffering from a terminal illness, passed away on 03.11.2014. Prior thereto, the Vigilance Cell report was tendered on 21.07.2014 and the Petitioner, being a lady and attending to the illness of her brother, could not respond to the Vigilance Cell report. Her father died on 15.01.2022 after suffering from paralysis.

2. It is apparent from the record that the Petitioner has not participated in the proceedings, in which she was seeking validation of the claim. After her brother passed away, she could have approach the Committee and participated in the hearing since the impugned order of invalidating her claim is dated 25.11.2021. The Petitioner claims that her husband is not residing with her and therefore, she was dependent on the company of her brother and her father. It cannot be said that she was in mourning for seven years.

3. Nevertheless, an opportunity of hearing could be granted to the Petitioner since the impugned order is in the light of her participation in the proceedings.

4. The learned AGP strongly opposes the request for remand. We are considering the prayer for remand only because there has been no contest from the side of the Petitioner who is a lady, a teacher and now she has been terminated from service.

5. In view of the above, **this Petition is partly allowed** only on account of the personal reasons cited by the Petitioner. The impugned order dated 25.11.2021 is set aside and the proceedings are restored to the Respondent No.2 Committee at the stage of the

Vigilance Cell inquiry report. We, therefore, issue the following directions:-

(a) The Petitioner, who is in receipt of the Vigilance Cell report, would submit a detailed reply along with a family tree and documents with a list, on or before 21.12.2023.

(b) The Petitioner would participate in the hearing on the dates which are set down for hearing in the proceedings and shall refrain from seeking adjournments on unreasonable grounds, lest, the Committee would be justified in progressing to the further stages in the proceedings.

(c) If the Petitioner produces certain documents which are not on record in the proceedings, the Committee shall be at liberty to follow the due procedure laid down in law to deal with the said documents.

(d) We expect the Committee to decide the claim of the Petitioner, on or before 30.09.2024.

6. This order shall not be cited as a precedent, since it is passed in the peculiar facts and circumstances of the case.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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