



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 15475 OF 2023

LEENA GOVINDRAO SHIRSATH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for the Petitioners : Mr.Thorat Mohanish V.
AGP for Respondents 1 and 2/State : Mr.P.S. Patil

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 19th December, 2023

Per Court :-

1. The learned Advocate for the Petitioners submits that this petition is filed by two biological sisters. Both these Petitioners have suffered an order dated 16.03.2023 by which, the validity certificates earlier received by them dated 18.08.2007, have been cancelled by the competent Scrutiny Committee without an opportunity of hearing and now their claim of belonging to “Tokre Koli”, Scheduled Tribe category, stands invalidated.

2. The learned AGP submits that notices were issued to both of the Petitioners along with the vigilance cell enquiry

report and the hearing was scheduled on 04.11.2022. Both did not remain present. The hearing was adjourned to 22.11.2022. Yet, both remained absent. The hearing was then posted on 06.01.2023, when the Petitioners remained absent and finally, the judgment of the Committee was delivered on 16.03.2023. Yet, the learned AGP submits, on instructions, that the matter can be remanded to the Committee if the Petitioners agree to fully participate in the hearing, render cooperation and enable the Committee to deliver a fresh order by considering the entire material and contentions of the parties.

3. Both the Petitioners are in employment and fear that they would be terminated from services by their respective employers.

4. Petitioner No.1 (Leena) has filed an affidavit dated 19.12.2023 and it is informed across the Bar that the said affidavit is on behalf of both the Petitioners. It is sworn and verified by Petitioner No.1 (Leena) and it is stated that the verification is on behalf of both the Petitioners. Both the Petitioners agree to cooperate with the Committee at each stage and would refrain from seeking unnecessary adjournments. The said affidavit and verification (two pages) is taken on record and

marked as “X” collectively for identification.

5. Both the Petitioners submit that if the hearing in the matter commences on 05.01.2024 and if the dates of hearing are posted on Friday (if Friday is holiday, the matter can be posted on Thursday), both the Petitioners can travel from their respective places of work at Thane and Pune, respectively, and remain present on each Friday or Thursday, as the case may be, as and when their personal presence is required. Both be given liberty to select a representative, who would represent them before the Committee, unless their personal presence is necessary in accordance with the Rules.

6. In view of the above request, the affidavit “X” and the submissions of the parties, **this Writ Petition is partly allowed** with the following directions :-

(a) The impugned order of the Committee dated 16.03.2023 stands quashed and set aside and the respective proceedings of these two Petitioners are restored to the competent Scrutiny Committee at Dhule.

(b) In order to begin the hearing, the first date would be on 05.01.2024 at 12:00 noon. The Petitioners or their representative shall remain present.

(c) The Petitioners shall refrain from seeking adjournments on unreasonable or trivial grounds, lest, the Committee would be justified in progressing to the next stage in the proceedings.

(d) The statement of the Petitioners that they will wholeheartedly cooperate with the Committee, is recorded.

(e) Email addresses and mobile numbers of both these Petitioners are mentioned on the first page of the affidavit “X” in the handwriting of the learned Advocates for the Petitioners and the same may be utilized by the Committee for correspondence with these Petitioners.

(f) Let this entire hearing exercise be completed on or before 31.05.2024.

(g) Needless to state, if an adverse order is passed against these Petitioners, the same shall not be effected for 30 days to enable the Petitioners to avail of the legal remedies.

(h) In view of the above, we direct the respective employers of the Petitioners, not to terminate their services until 30.06.2024.