

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1613 OF 2023

Ganesh Vishnupant Sonawane Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. R. K. Mendadkar for the Petitioner
Mr. R. P. Kadam, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 8, 2023

P.C.

1. The caste claim of the Petitioner as belonging to Koli Mahadev, Scheduled Tribe is invalidated.
2. Amongst other submissions, one of the submissions of the learned Counsel for the Petitioner is that the order passed by the Scrutiny Committee is *ex parte* order. The Petitioner, at the relevant time, was hospitalized, as such, could not appear and without opportunity of hearing, the matter has been decided.
3. According to the learned Counsel for the Petitioner, say to the Vigilance Report was filed, however, opportunity of hearing was not properly granted.

4. The learned AGP submits that ample opportunity was given to the Petitioner. The Petitioner remained absent.

5. Perusal of the order transpires that six times, the Petitioner was given an opportunity to appear before the Committee but the Petitioner remained absent. Medical Certificate is produced to suggest that he was advised bed rest for two weeks. The same is from 3rd September 2022. The order of the Committee is dated 16th November 2022. The Petitioner ought to have been diligent in attending the matter before the Committee.

6. Considering that the matter pertains to the social status of the Petitioner, we are inclined to grant one more opportunity to the Petitioner, however, the Petitioner also deserves to be mulct with cost.

7. In the result, we pass the following order:

a. The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside on condition that the Petitioner deposits cost of Rs.50,000/- (Rs.Fifty Thousand only) on or before 6th March 2023 with the Committee

b. Deposit of cost is a condition precedent.

c. If the cost is not deposited as directed above, the judgment of the Committee shall stand upheld.

- d. If the cost is deposited as directed above, then the Committee shall decide the proceedings after affording an opportunity to the Petitioner, preferably within three months from the date of appearance of the Petitioner.
- e. The Petitioner shall appear before the Committee on 6th April 2023. The Petitioner shall not seek further adjournment in the matter before the Committee
- f. As the matter is still pending with the Committee, the employer shall not take adverse action against the Petitioner only on the ground that the caste claim of the Petitioner is invalidated.
- g. The employer may take further action as per the judgment delivered by the Scrutiny Committee.
- h. With the aforesaid observations and directions, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)