

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4724 OF 2019**

Amjadkhan Farid Mirajkar

.....Petitioner

V/s.

State of Maharashtra, through
its Secretary and Ors.

.....Respondents

Mr. R.K. Mendadkar, Advocate for the petitioner.**Mr. R.P. Kadam**, AGP for State-respondents no.1 and 2.**Mr. Sahil Chaudhari** i/by. Mr. Nitin Gaware-Patil, Advocate for
respondent no.4.**CORAM : S.V. GANGAPURWALA, ACTING CJ &****SANDEEP V. MARNE, J.****DATE : 26th APRIL, 2023.****P.C. :**

1) While issuing notice on 6.12.2019 the Co-ordinate
Bench of this Court has passed the following order :

"2. Perused the decision of the Division Bench of this Court in Writ Petition No. 10577 of 2013 and Writ Petition No. 3252 of 20215 dated 21.02.2014 and 11.07.2019 respectively. In the present case, we prima-facie find that the Vigilance Cell has not conducted enquiry in accordance with the provisions of Section 13(1)(d) of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward

Category (Regulation of Issuance and Verification of)
Caste Certificate Rules, 2012.

3. In the above circumstances, we issue notice to Respondent Nos.3 and 4, returnable on 16.01.2020. Till returnable date, we direct that no coercive action shall be taken against the petitioner on the basis of impugned order.”

2) It is contended that the Vigilance Cell has not conducted enquiry in accordance with Rules. The Affinity Test is also not conducted. In light of that the impugned judgment is quashed and set aside. The matter is relegated before the Committee. The parties shall appear before the Committee on 26th June, 2023. The Committee shall thereafter refer the matter to vigilance. The vigilance Cell shall conduct the enquiry as per the Rules and the Committee shall decide the proceedings afresh in accordance with law and preferably within six months from the date of appearance of the petitioner.

3) Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)