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

WRIT PETITION NO. 1304 OF 2023

Abhishek Binay Gupta

.. Petitioner

Vs.

**The State of Maharashtra
& Anr.**

.. Respondents

Mr. Abhijeet J. Kandarkar i/by Mr. Akshay Kandarkar for petitioner.

Mr. B. V. Samant, AGP a/w Mr. P. P. Pujari, AGP for State.

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

DATE: FEBRUARY 1, 2023

P.C.:

- 1.** Rule. Rule is made returnable forthwith. By consent of parties, heard finally.
- 2.** The caste claim of the petitioner is invalidated. Aggrieved thereby, the present writ petition.
- 3.** The learned counsel for the petitioner submits that the petitioner could not file say to the vigilance report nor appear before the Committee and argue the matter. It is because of unavoidable circumstances, the petitioner could not appear. The learned counsel submits that one more opportunity be given to the petitioner.
- 4.** The learned AGP submits that though ample opportunity was given to the petitioner, the petitioner

remained absent. The Committee has not committed any error.

5. It appears that notices were served upon the petitioner, still the petitioner remained absent.

6. Considering that the matter involves social status of the petitioner, so also the fact that his services would be dependent upon the decision of the validity proceedings and the reasons given for non-appearance, 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 order is quashed and set aside on the condition that petitioner shall deposit cost of Rs.25,000/- with the Committee on or before 27th February, 2023.

(b) The petitioner shall appear before the Committee on 27th February, 2023 and cooperate for expeditious disposal of the proceeding.

(c) If the cost is deposited by the petitioner, as directed above, the Committee shall proceed to decide the matter on its own merits expeditiously, preferably within six months from the appearance of the petitioner.

8. Rule is accordingly made absolute.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)