

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.148 of 2021

Ashok Sudarshan Ragiwar,

Aged about 42 years, Occupation – Contractor,

R/o Allapalli, Ta. Aheri, Dist. Gadchiroli.

... Petitioner

Versus

1) State of Maharashtra,

through it's Secretary,

Rural Development and Water

Conservation Department,

Mantralaya, Mumbai.

2) The Chief Executive Officer,

Z.P. Gadchiroli

3) Executive Engineer,

Rural Water Supply Department,

Z.P. Gadchiroli.

4) Joint Director Local Audit,

Gadchiroli.

... Respondents

Shri Vijay Morande, Counsel for Petitioner.

Shri A.S. Fulzele, Additional Government Pleader for Respondent No.1.

Smt. M.P. Munshi, Counsel for Respondent No.2.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 10, 2023.

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

1. Rule. Rule made returnable forthwith and heard the learned counsel appearing for the parties.

2. The challenge raised in this writ petition is to the order of blacklisting dated 22-5-2020. The said order of blacklisting is to operate for an indefinite period and subject to adjudication of the criminal proceedings that have been filed against the petitioner.

3. After hearing the learned counsel for the parties, we find that somewhat similar challenge was considered by this Court in Writ Petition No.147 of 2021 (*Shakir Habib Khan Pathan Vs. State of Maharashtra and others*) decided on 31-3-2022. We find the facts to be somewhat similar except the aspect that the alleged amount of misappropriation is on higher side and there is an allegation of tampering of stamp paper. We therefore find that the directions that have been issued in Writ Petition No.147 of 2021 while upholding the order of blacklisting can be passed in this writ petition also. Hence, for the reasons contained in Paragraphs 8 and 9 of the judgment dated 31-3-2022 in Writ Petition No.147 of 2021, the following order is passed :

(A) The action taken by the Zilla Parishad of blacklisting the petitioner by the order dated 22-5-2020 is upheld.

(B) The Zilla Parishad however is directed to reconsider the period for which such debarment ought to operate since the order dated 22-5-2020 debars the petitioner for an indefinite period. The same shall be done after granting an opportunity to the petitioner.

(C) It is made clear that it would be open for the Zilla Parishad to taken further steps based upon the adjudication of the criminal proceedings that are pending against the petitioner pursuant to Crime No.32 of 2015.

4. The writ petition is partly allowed in aforesaid terms. Rule accordingly.

No order as to costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR