



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO. 6897 OF 2024

**ANJALI VITHALRAO JUKTE
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

....

Mr Mahesh Deshmukh, Advocate h/f Mr U. B. Gite, Advocate for
Petitioner;

Mr M. M. Nerlikar, A.G.P. for Respondent Nos.1 to 4/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 10th July, 2024

PER COURT:

1. Leave to add the Scheduled Tribe Certificate Scrutiny Committee at Dhule as a Respondent. The learned A.G.P. causes an appearance on behalf of the added Respondent.

2. This matter was heard for quite some time on 08/07/2024. Today, the learned Advocates for the respective sides have addressed us on various issues. Considering the instructions that have been passed on to the learned A.G.P. by the Joint Commissioner of Respondent No.4/Scrutiny Committee, we are

(2)

not required to advert to the detailed submissions of the learned Advocates, inasmuch as, we would not wish to delve on the merits of the matter since it is likely to lead to certain observations, which would affect the rights of the parties.

3. Suffice it to say that, this Court had passed an order on 21/03/2024 in Writ Petition No.3152/2024, filed by the present Petitioner. In conclusion, this Court had ordered in paragraph No.7, as under :-

“7. This is a Court of equity and the equities will have to be balanced while granting relief to the Petitioner. After a thoughtful consideration over the matter and taking a holistic view, **this Writ Petition is disposed off** with the following directions:-

(a) The Petitioner shall tender the original tribe certificate to the Competent Committee, on or before 01.04.2024. An acknowledgment of having received the original certificate shall be issued by the Committee to the Petitioner.

(b) The Petitioner has tendered her e-mail address as jukteanjali98@gmail.com. She has also tendered her Cell Phone number as 7387640512 and agrees to receive communications or correspondence from the Committee and enter into correspondence with the Committee through her e-mail address and/or the whatsapp mode.

(3)

(c) The Committee shall decide the claim of the Petitioner, on or before 30.09.2024.

(d) The Petitioner would render wholehearted cooperation to the Committee and would refrain from seeking adjournments on unreasonable and trivial grounds. For every adjournment, she will have to put forth a justifiable reason through email/Whatsapp/physical mode.

(e) Subject to the above conditions, Respondent No.1 shall issue a provisional appointment order on probation to the Petitioner as a Assistant Chemical Analyzer, Group B (Gazetted), on or before 15.04.2024.

(f) The Petitioner's service would not be confirmed and/or an order of confirmation would not be issued, until the Petitioner secures a validity certificate.

(g) The probation appointment order would not be denied only for the reason that the Petitioner's claim is pending."

4. It is undisputed that the hearing in the matter was posted on 15/07/2024 by the Committee, after the matter was adjourned on 16/05/2024, on the ground that the Petitioner was not present in the proceeding. However, the said hearing in the matter was preponed from 15/07/2024 to 03/07/2024 with the observations as "नमूद सुनावणी दि.१६/०५/२०२४ रोजी अर्जदार गैरहजर

(4)

असल्यामुळे पुढील सुनावणी दि.१५/०७/२०२४ रोजी बोलविण्याचा निर्णय समितीने घेतला होता, तथापि काही अपरिहार्य कारणास्तव दि.१५/०७/२०२४ रोजीची सुनावणी रद्द करण्यात येऊन अर्जदार यांना दि.०३/०७/२०२४ रोजी सुनावणीस बोलविण्याचा निर्णय समितीने घेतला व त्याअनुषंगाने या कार्यालयाचे पत्र जा.क्र. सहआ/अजप्रतसऔरं/शिक्षण/ २८०५/२०२४ दि.०२/०७/२०२४ अन्वये अर्जदार यांना ईमेल (jukteanjali98@@gmail.com) आणि व्हॉटसअॅप व्दारे (No.7387640512) अवगत करण्यात आले.”

5. It is undisputed that, on 03/07/2024, the Petitioner was not present before the Committee and he has sent an E-mail to the Committee for an adjournment. The Committee closed the matter on the said day and delivered the impugned order (32 pages) on the same day i.e. 03/07/2024.

6. The learned A.G.P. has been instructed by the Joint Commissioner to say that, as the Petitioner was not heard, the impugned order may be set aside. The learned Advocate for the Petitioner has voiced a serious apprehension. He submits that the Petitioner, who has been shuttling between the Committee and the High Court on three occasions, has developed an apprehension that the Committee is predetermined. The learned A.G.P. has

(5)

taken instructions and submits that the Petitioner does not have any reason to carry this apprehension. The Committee would decide his claim strictly on the basis of the material available.

7. The learned Advocate for the Petitioner submits that, as the Petitioner is from Parbhani and the Committee nearest to her location conducts business at Dhule, her case may be entrusted to the Dhule committee, since the Kinwat Committee sits at Aurangabad. The learned A.G.P. submits on instructions that, there is no difficulty in transferring the proceeding to the Dhule Committee or to any other Committee at the choice of the Petitioner.

8. In view of the above and by the consent of the parties, we pass the following order :-

a) The impugned order dated 03/07/2024, at annexure 'Q', shall stand quashed and set aside only because the Petitioner was not heard and the date of hearing was preponed, practically giving her no time.

(6)

b) The proceeding shall be remitted to the Competent Scrutiny Committee, at Dhule.

c) The Committee at Aurangabad shall transmit the entire file of the Petitioner in a sealed envelope, by following the due procedure in vogue, to the Competent Scrutiny Committee at Dhule, within a period of 10 days from today.

d) The Petitioner would appear before the Competent Scrutiny Committee at Dhule on 29/07/2024 at 12:00 noon. Written notes of submissions are permitted.

e) By the consent of the parties, we would expect the Committee at Dhule to deliver it's judgment on or before 31/08/2024.

f) For easy correspondence, the Committee shall intimate the Petitioner on her e-mail and Whatsapp and vice-versa.

(7)

9. Considering the order passed by us in terms of Clauses (e), (f) and (g) below paragraph 7 of our order dated 21/03/2024, in Writ Petition No.3152/2024, the Petitioner would be bound by the said conditions and Respondent No.2 herein/Principal Secretary, Home Department, Mumbai, would issue a provisional probation appointment order to the Petitioner, within a period of 10 days in the light of the law laid down by this Court in **Shrikant Chandrakant Saindane Vs. State of Maharashtra and others**, decided on 25/08/2011 in Writ Petition No.2136/2011.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)