

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

927 WRIT PETITION NO.784 OF 2024

Dhammapal Achyut Gaikwad

VERSUS

The State Of Maharashtra Through Its Secretary And Others

.....

Shri. Prashant Prabhakar Giri, Advocate for the Petitioner
Shri. A. A. A. Khan, AGP for the Respondent Nos.1, 3 to 5/ State.

.....

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : JUNE 18, 2025

PER COURT :-

. The Petitioner was allotted the Common Service Centre (for short, 'CSC') at Kaij, Dist. Beed by the competent authority in 2013. Respondent No.6 lodged the Complaint with Respondent No.5 – Tahsildar, Kaij on 03.08.2023 that the Petitioner had demanded Rs.500/- (Rs. Five Hundred) to issue Caste Certificate instead of Rs.33/- (Rs. Thirty Three) which was the fees for the said purpose.

2. Pursuant to the said Complaint, Respondent No.5 - the Tahsildar by order dated 04.08.2023 constituted the Three (3) Member Committee comprising of Government Servants to enquire into the Complaint and submit Report. The said Committee submitted their Report dated 09.08.2023 to Respondent No. 5 – Tahsildar. The Respondent No.5 – Tahsildar submitted Report to Respondent No.4 - Sub

Divisional Officer, Ambajogai on 09.08.2023 and Respondent No.4 – Sub Divisional Officer submitted Report to Respondent No.3 - District Collector, Beed on 29.08.2023. On the basis of the Report and the Complaint, Respondent No.3 – District Collector passed the impugned Order dated 15.09.2023 cancelling the permission of the Petitioner to run CSC at Kaij. Hence, this Petition.

3. It is submitted by the learned Advocate for the Petitioner that there are guidelines issued by the Information Technology Department of the State Government in respect of the CSC. As per the said guidelines, procedure is prescribed to deal with the complaints received against CSC's. He submits that, the said guidelines provide for opportunity of hearing to the CSC owner and that was not done in the case of the Petitioner. He submits that the Complaint was not of grievous nature and therefore, at the most the licence for CSC should have been suspended for a period of six (6) months. He submits that as per the said guidelines, the Order ought to have been passed by the Sub Divisional Officer i.e. Respondent No.4 and against the said Order, the guidelines provides for Appeal before Respondent No.3 – District Collector. However, Respondent No.3 - District Collector himself exercised the powers of Respondent No.4 – Sub Divisional Officer which deprived the Petitioner from the Appellate Forum. He submits that the impugned Order be quashed and set aside and the licence of CSC be restored.

4. The Petition is vehemently opposed by the learned AGP appearing for Respondent Nos.1, 3 to 5. He submits that the Complainant had submitted clip of video recording in support of his Complaint that the Petitioner had demanded Rs.500/- (Rs. Five Hundred) instead of Rs.33/- (Rs. Thirty Three) to issue the Caste Certificate. He submits that the Complaint was of serious nature and therefore, by considering all the aspects, Respondent No.3 – District Collector had passed the impugned order. He submits that there is no merit in the Petition and the same be dismissed.

5. At Exh.'G' to the Petition, copy of guidelines issued by the Government in respect of CSC is enclosed. Paragraph No.8 of the said guidelines provides the manner in which the Complaint against the CSC allottee is to be dealt with. The Clause-8 (ii) of the said guidelines provides for opportunity of hearing to the allottee of the CSC in case of any Complaint. There is nothing to show that an opportunity of hearing was given to the Petitioner before passing the impugned Order, by which the licence to run CSC at Kaij came to be cancelled. On this ground itself, the impugned order needs to be quashed and set aside. The impugned order passed by Respondent No.3 – Collector is quashed and set aside. The Authority empowered to deal with such Complaint under the said guidelines shall deal with the Complaint and the other

documents available on record, by giving opportunity of hearing to the Petitioner and pass appropriate orders on the Complaint made by Respondent No.6 in accordance with law and the aforesaid guidelines within a period of two (2) weeks from the date of receipt of this Order. Since the Complaint is of August-2023 and the impugned order is dated 15.09.2023, the parties shall maintain *status quo* in respect of CSC which was granted to the Petitioner and which came to be cancelled, till the decision is taken as directed. Petition stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)