



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

Writ Petition No.996 of 2019

[Bhaskar S/o Shakaram Tayade **VERSUS** Member/Secretary, Divisional
Caste Certificate Scrutiny Committee, Akola and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's order
Registrar's orders.

Shri Y.D. Shukla, Counsel for Petitioner.

Shri I.J. Damle, Assistant Government Pleader for Respondents.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 14, 2025

1. Heard.
2. The petitioner sought issuance of writ of validity, in which proceedings the Vigilance Cell report was received on April 12, 2018. Without serving the copy of the Vigilance Cell report, the petitioner's caste claim came to be negated.
3. The Committee has recorded that the petitioner on April 10, 2018, i.e. before the Vigilance Cell submitted its report dated April 12, 2018, has given in writing that the petitioner has no additional evidence to be produced.
4. Be that as it may, once the Vigilance Cell report is received, which is adverse to the interest of the petitioner and is sought to be relied on by the petitioner, the least that was expected of the Committee to make available the Vigilance Cell report to the petitioner and call for his explanation. The Committee thereafter should have offered an opportunity of hearing to the petitioner, which the Committee has failed to do so. That being so, the order impugned passed by the Committee is not sustainable in law, as it goes contrary to the scheme of the Statute.

5. In view of above, the order impugned dated May 23, 2018 passed by the respondent No.1-Committee is hereby quashed and set aside. We direct the petitioner to appear before the respondent No.1-Committee on January 27, 2025 so as to enable him to collect the Vigilance Cell report and the documents, which are produced in support of the Vigilance Cell report, and to submit his reply. The respondent No.1-Committee shall accordingly deal with the claim of the petitioner expeditiously and in any case within a period of six months from the date of appearance of the petitioner before it.

6. The petition stands partly allowed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)