

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

WRIT PETITION NO. 5224 OF 2015

Abasaheb Prataprao Kutawal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sagar S. Phatale, Advocate h/f Shri Ganesh V. Patil,
Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 07TH MAY, 2015.

PER COURT :

. The learned counsel for the petitioner submits that, the petitioner is in service. The proposal of the petitioner seeking validity in respect of his caste claim as belonging to Bhope (N.T.) was referred to the Committee. Even vigilance was conducted. Subsequently the same is returned on the ground that the petitioner is not appointed from reserved category. The learned counsel submits that, the respondents could not have returned back the said proposal even after conducting vigilance.

2. The learned Assistant Government Pleader submits that, as the petitioner was not appointed from reserved category for

his service benefit the validity was not required.

3. We have heard the submissions canvassed by the learned counsel for respective parties. When vigilance was conducted, it was improper on the part of the Committee to return back the proposal on the ground that the petitioner was not appointed from reserved category. Considering the above, we pass the following order.

4. The committee shall accept the proposal of the petitioner and decide the same. The committee shall consider the earlier vigilance report also. The committee shall endeavour to decide the proposal of the petitioner as belonging to Bhope caste (N.T.) expeditiously. The writ petition is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 15