

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10695 OF 2017

Aruna Arjun More

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri A. N. Nagargoje h/f Shri B. R. Jaybhay, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondent No. 1.

Shri A. R. Salve, Advocate for Respondent Nos. 2 to 4.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **6th March, 2018**

PER COURT :

1. The petitioner impugns the notice dated 5.7.2017 issued by the respondent No. 4, on the ground that the tribe claim of the petitioner is invalidated and as such why disciplinary action should not be taken.

2. Mr. Nagargoje, learned advocate submits that the petitioner is not appointed as against the reserved post. The petitioner is appointed on compassionate ground. Husband of the petitioner had also not taken benefit of reservation.

3. On the last date, we had asked Mr. Salve, learned advocate for the respondents to take instructions as to whether the petitioner is appointed as against the reserved post.

4. Mr. Salve, learned advocate for the respondents, on instructions of the respondents submits that the husband of the petitioner was appointed from open category and the petitioner was also not given benefit of reservation. However, it was on the insistence of the petitioner, the proposal was referred to the committee.

5. As the petitioner is appointed from open category and has not been given benefit of reservation, the invalidation of his tribe claim will not affect his services.

6. In the light of that, the impugned notice is quashed and set aside.

7. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe