

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

WRIT PETITION NO. 11618 OF 2017

Vikas Deorao Deosarkar

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 23RD JANUARY, 2018.

FINAL ORDER :

. Mr. Panpatte, the learned advocate for the petitioner submits that, even without referring to the vigilance, the scrutiny committee has invalidated the caste claim of the petitioner of Kunbi (O.B.C.). The learned advocate submits that, only notice was issued to the petitioner. No opportunity was given to file say, nor the petitioner was made aware of the alleged discrepancies recorded by the Committee.

2. Mr. Patil, the learned Additional Government Pleader on going through the record submits that, the Committee itself had called for the original record. However, except that, vigilance has

not been conducted.

3. The vigilance cell is not limited to the extent of verifying original record, but has also to conduct home enquiry and collect the information. The said exercise has not been conducted. The petitioner also could not get opportunity to file his say to any report that would have been submitted by the vigilance and could have explained the discrepancies as noted by the Committee.

4. In the light of above, the impugned judgment and order is quashed and set aside. The petitioner is relegated before the Committee. The petitioner shall appear before the Committee on 05th February, 2018. The Committee shall refer the matter to the vigilance, get the record of the vigilance and after giving opportunity to the petitioner to file his say and hearing the petitioner decide proceeding afresh expeditiously and preferably within a period of six months from the date of appearance of the petitioner. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]