

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

18 WRIT PETITION NO.2479 OF 2019

SONI SHAMRAO RATHOD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Anandsingh Bayas, Advocate for the Petitioner.

Mr. P. G. Borade, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 06th NOVEMBER, 2019.

PER COURT:-

1. The caste claim of the petitioner as 'Banjara' V.J. is invalidated.

2. The learned counsel for the petitioner submits that all the relevant aspects are not considered. The committee did not conduct vigilance. There are documents from the year 1952-1953. The same are also not considered.

3. We have also heard the learned A.G.P..

4. It is necessary to conduct the vigilance. The vigilance also includes home enquiry and would also assist in considering the genuineness of the documents.

5. As the impugned judgment is passed without conducting vigilance, the same is set aside. The parties are relegated before the Committee. The petitioner shall appear before the committee on 10.12.2019. The petitioner may produce additional documents on which the petitioner wants to rely, so also may prove his genealogy. The committee shall also direct the vigilance to be conducted and thereafter the proceedings shall be decided on its own merits after hearing the petitioner expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner.

6. Till the validation proceeding is decided, the employer shall not take adverse action only on the ground that the validation proceeding is pending.

7. Writ Petition is partly allowed. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE