

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.12102 OF 2019

RAOSAHEB GULAB MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr Kalyan Patil h/for Mr
Barlinge S.R.

AGP for Respondents State: Mr S R Patil

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 3rd October, 2019

ORDER:

1. Tribe claim of the petitioner is invalidated. Learned counsel submits that the Committee has not decided the proceedings on merits though vigilance was conducted. The petitioner has also filed say to the vigilance report, however, only on the ground that election period is over, the Committee did not decide the proceedings on merits.
2. We have also heard Mr. Patil, learned A.G.P.
3. From the perusal of the judgment it appears that the Committee did not decide the proceeding on merits and only as the election is over, the matter was closed and the Committee observed that the petitioner will have to file a fresh proposal.

4. In fact when the proceeding is referred to the Committee and vigilance is also conducted, the Committee ought to have decided the proceedings on its own merits.

5. In light of above, the impugned order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 14th October, 2019.

6. The Committee shall, after hearing the petitioner, decide the proceedings on its own merits, afresh, preferably within three months from the date of appearance of the petitioner.

7. Writ petition disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC