

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12621 OF 2018

Shobha Deorao Nipunge @
Shobha Subhash Bhosale

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. M.S. Deshmukh, Advocate for Petitioner
Mr. P.S. Patil, Additional Government Pleader
for Respondent Nos. 1 to 3

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

DATE : 18th FEBRUARY, 2019

ORAL ORDER:

1. The caste claim of the petitioner as Kunbi (OBC) is invalidated. Aggrieved thereby, the present Writ Petition.
2. Mr. Deshmukh, the learned Counsel for the petitioner submits that Gav Namuna No. 14 clearly shows that Tanhe is son of Baburao. The caste is mentioned as Kunbi. Only on the ground that the relationship is not proved, the claim of the petitioner is not decided on merits.
3. According to the learned Additional Government Pleader, the genealogy submitted is incomplete. Nowhere it is shown that the

property was given by Deorao Kushinath. There is no record to show that Kushinath Baburao is given his property in inheritance by Baburao Nipunge. The Committee has considered the same.

4. It appears that the vigilance has not been conducted. The vigilance could have considered the genuineness of the relationship as shown by the petitioner and upon submission of the vigilance report and also the home enquiry, further steps could have been taken.

5. In light of the above, the impugned Judgment is quashed and set aside. The matter is relegated before the Committee. The Committee shall refer the matter to the vigilance and after receiving the vigilance report, shall consider the documents after obtaining the say of the petitioner and hearing the petitioner on its own merits. The petitioner shall appear before the Committee on 11th March, 2019.

6. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE