

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

WRIT PETITION NO.14455 OF 2021

SWATI BHANUDAS PURANE ALIAS
SWATI VISHAL GADEKAR ..PETITIONER

VERSUS

DISTRICT COLLECTOR AND OTHERS ..RESPONDENTS

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Mr. Mahesh S. Deshmukh h/f Mr. Rahul R. Karpe,
Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. Abhijit S. More, Advocate for Caveator.

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**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 21st DECEMBER, 2021.

PER COURT:-

1. Mr. Deshmukh, learned counsel submits that, the tribe claim of the petitioner as belonging to 'Kunabi', Other Backward Class is invalidated.

2. Amongst other submissions, one of the submission of learned counsel for petitioner is that, Committee was not satisfied about the relationship of the petitioner with persons whose documents were produced on record only on the ground that, name of the person was not appearing, their birth extracts were shown as son of Babaji. At the time of entry of birth, name was not given to the new born child.

The learned counsel submits that, in fact, the petitioner ought to have been given opportunity to put forth her stand and the contentions, so also prove the genealogy in case Committee was not satisfied.

3. Mr. More, learned counsel appears for original complainant and submits that, ample opportunity was given to the petitioner. The petitioner was given copy of the vigilance report. The petitioner filed say to the vigilance report and thereafter, the Committee has decided the proceeding. No illegality has been committed by the Committee.

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

5. The matter pertains to the social status of the petitioner. The petitioner has placed on record the genealogy to contend his relationship with the persons shown in the genealogy.

6. It appears that, the Committee has discarded the pre-Constitutional documents produced by the petitioner on the ground that, the relationship is not established and it is not clear as to whose documents the same are, so also in case of some other relatives shown by the petitioner, according to the Committee genealogy is not proved.

7. Considering the aforesaid, we are inclined to grant one more opportunity to the petitioner.

8. In light of that, the impugned order is quashed and set aside.

9. The parties are relegated before the Committee. The parties shall appear before the Committee on 03.01.2022. The petitioner may place on record the additional documents/affidavit and/or his say to establish the relationship of the petitioner with the persons shown in the genealogy and also prove the documents placed on record. The Committee after hearing all parties concerned, if it is possible for it, may endeavour to decide the proceeding by 15.01.2022.

10. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE