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

WRIT PETITION NO.7350 OF 2022

**SHOBHABAI DAGA PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr A. N. Nagargoje, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 28th July, 2022

PER COURT:

1. The petitioner has put forth prayer clause (A), which reads as under :-

“A) For a writ of certiorari, Order or direction in the nature of certiorari, calling for the record and proceeding of the impugned Judgment and Order dated 07.06.2022 (Exhibit ‘D’) passed by the respondent No.2-Committee and after examining the legality, validity and propriety thereof, the Impugned Judgment and Order referred above may kindly be quashed and set-aside and the respondent No.2-Committee be directed to issue the Validity Certificate of Kunbi Caste (O.B.C.) in favour of the petitioner.”

2. The petitioner contends that, a show cause notice in ‘Form 25’ was issued by the Committee on 05/04/2022, which is at page

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35 of the petition paper book. With such show cause notice, the petitioner was to be given an opportunity of hearing. By the impugned order dated 07/06/2022, the Committee has come to a conclusion that, as the petitioner did not tender any reply, the Committee concluded the proceedings.

3. We find from the show cause notice in 'Form 25', that the reply to the notice was directed be to filed instantaneously. It appears from the record that the petitioner has not filed a reply to the said notice and finally, the order dated 07/06/2022 has been delivered.

4. The learned Advocate for the Committee, who had sought a pass over, submits on instructions that, an appropriate order be passed. If the impugned order is set aside and the matter is remanded back to the Committee, the petitioner be directed to submit his written explanation to the vigilance enquiry report.

5. Considering the above, this petition is partly allowed. The impugned order is set aside.

6. The petitioner is put to notice that, she shall appear before the Committee on 10/08/2022 at 11.00 a.m. and shall tender

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written notes of submissions and/or address the mind of the Committee members with oral submissions. Thereafter, the Committee shall proceed to deliver it's final order on 30/08/2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk