

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1720 OF 2025

Balaram Vithu PatilPetitioner
versus
The State of Maharashtra & Ors.Respondents

Mr. Samir A. Vaidya a/w Mr. Vinod G. Satpute, Ms. Sheetal V. Satpute, Mr. Aditya Parmar i/by M/s. Vinod Satpute & Associates, Advocate for the Petitioners.

Mr. K.S. Thorat, 'B' Panel , Advocate for Respondent Nos.1 to 3-State.

Mr. Umesh H. Pawar, Advocate for the Respondent – State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 3rd MARCH, 2025

P.C. :-

1. **Issue notice** to the Respondents, returnable on **7th April, 2025**. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 3.

2. We expect the three Committee Members to file their individual Affidavits-in-Reply for the reasons set out in the paragraph to follow.

3. In the vigilance inquiry, the cousin grandfather of the Petitioner is said to have the entry of Kunbi. Two second cousin uncles of the Petitioner are said to be belonging to the Kunbi (OBC) Category, as per their death records. In the impugned Judgment dated 27th December, 2024 by which the Petitioner's claim of belonging to the Kunbi (OBC) Category has been rejected, we find that the Committee has arrived at a finding which needs to be explained in their individual Affidavits. The said finding is as under:

"एकंदरीत अर्जदार यांनी सादर केलेली कागदपत्रे, दक्षता पथकाचा अहवाल यांचा सांगोपांग विचार करता अर्जदार यांचा कुणबी (इ.मा.व) जातीचा असल्याचे दिसून येत आहे. मात्र अर्जदार यांनी पुरावाधारकाशी नातेसंबंध सिद्ध केलेले नसल्यामुळे अर्जदार यांचा जातीदावा सिद्ध होत नसल्यामुळे समिती एकमताने पुढील प्रमाणे निर्णय घेत आहे."

4. It, therefore, appears that the Committee is convinced that the Petitioner belongs to the Kunbi (OBC) Category. However, since he could not establish his relations with some relatives, the Committee concludes that he does not belong to the Kunbi (OBC) Category.

5. We are intrigued by the findings of the Committee. Treating the Petitioner's case as a stand alone case, it seems he has

succeeded on his own strength in proving that he belongs to the Kunbi (OBC) Category, which is the conclusion of the Committee reproduced above. However, in the immediate next sentence reproduced above, the Committee concludes that because the Petitioner could not establish his relations with those mentioned in the Affidavit, his claim cannot be accepted.

6. In *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and Others*¹, the Hon'ble Supreme Court concluded that an individual can establish his claim on the basis of his records and the Vigilance Cell Inquiry. On this aspect, the Committee concludes in the impugned order that the Petitioner belongs to the Kunbi (OBC) Category.

7. In view of the above, we are granting interim protection to the Petitioner and we direct that he would continue to be the Sarpanch, until the decision in this matter.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

¹ AIR 2023 SC 1657