

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.734 OF 2004

Latif Khan S/o Ibrahim Khan,
Age-40 years, Occu:Business,
R/o-Osmannagar, Tq-Kandhar,
Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through the Secretary,
Social Welfare, Cultural Affairs
and Sports Department,
Mantralaya, Mumbai,
- 2) The Caste Certificate Verification
Scrutiny Committee,
Divisional Social Welfare
Office, Aurangabad, through its
Principal-Secretary,
- 3) The Divisional Commissioner,
Aurangabad, Tq. & Dist-Aurangabad,
- 4) The Collector, Nanded,
Tq. & Dist-Nanded,
- 5) Zilla Parishad, Nanded,
Tq. & Dist-Nanded,
(Through its Chief Executive
Officer),

- 6) Ramchandra S/o- Sukhdeo Yeilwad,
Age-42 years, Occu:Social Work,
R/o-P.O.-Sanguchiwadi,
PO-Pangara, Tq-Kandhar,
Dist-Nanded.

...RESPONDENTS

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Mr.D.A. Karnik Advocate for Petitioner.
Mr.G.K. Thigle (Naik) Additional Government
Pleader for Respondent Nos. 1 to 4.
Mr. A.S. Golegaonkar Advocate for Respondent
No.6.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 6TH APRIL, 2015

ORAL ORDER :

1. Mr. Karnik, the learned counsel for Petitioner submits that the Committee while invalidating the caste claim of the Petitioner as belonging to "Chapparband", Vimukta Jati, has ignored the validity granted in favour of cousin brother of the Petitioner. The Committee has also not considered the copy of the sale deed submitted. The learned counsel submits that the school leaving certificate has also not been

considered in its correct perspective. Voluminous documents were filed on record to show caste of the Petitioner as Chapparband, Vimukta Jati. However, as in some of the documents, caste is mentioned as "Musalman", the Committee has arrived at erroneous conclusion. The said entry cannot be said as contra evidence. According to the learned counsel, the school leaving certificate is issued by the school authority. While discarding the said document, no evidence of the school authority has been called for.

2. The learned Additional Government Pleader supports the order passed by the Committee.

3. We have considered the submissions canvassed by the learned counsel appearing for the respective parties and also perused the documents and Judgment of the Committee.

4. The documents which were submitted on

record, were considered by the Committee. Though the caste mentioned as "Musalman" cannot be contra evidence, however, there was no impeccable evidence on record. The Committee found that English translation given of the copy of the Bond of the year 1953, which was written on 12th December 1956, was not in consonance with the original. As per the English translation, the caste of the purchaser is shown as Muslim Chapparband, however the original record was called from the Sub Registrar Office and in the original document, Chapparband caste was not mentioned. The Committee was right in discarding the same. Moreover, in respect of copy of admission register of the candidate showing admission on 25th June 1965 and education in Baitul Ulum Primary School, Nanded, it has been considered by the Committee that in the said admission register in the caste column the caste is mentioned as Musalman Chapparband, however it is found that the said School received recognition

for the first time in the year 1970-71 and the said admission register is prior to the recognition of the school. As such it does not inspire confidence. All these aspects were considered properly by the Committee while negating the claim of the Petitioner. In light of that no case is made out for interference. There is no substance in the Writ Petition.

5. Writ Petition is dismissed. No costs.
Rule discharged.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]