

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

WRIT PETITION NO. 2890 OF 2014

Sudam s/o Kisan Sathe

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. N.C. Garud, advocate for petitioner.
Mrs. A.V. Gondhalekar, AGP for the State.
Mr. G.B.Rajale, advocate for respondent no. 3.
Mr. R.K. Temkar, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 19th NOVEMBER, 2015.

PER COURT :

1. Petitioner is assailing the order passed by the Scrutiny Committee rejecting review application tendered by petitioner objecting to the order of issuance of caste validation certificate in favour of respondents 3 and 4.

2. Petitioner claims that he belongs to Kunbi caste and that the validity certificate issued in favour of respondents are founded upon consideration of fabricated documents. It is not a matter of dispute that respondents 3 and 4 are distant relations (*Bhauband*) of petitioner. Petitioner disputes the genealogy produced by respondents 3 and 4 and contends that the grand-father of petitioner is not in any way related to respondents 3 and 4. The fact however, is admitted that respondents 3 and 4 are from the same caste and that they are distantly related to petitioner. By application of simple analogy that petitioner himself claims to be of Kunbi caste, his

distant relations, even accepting the contention of petitioner that the genealogy submitted by respondents 3 and 4 is incorrect, shall necessarily belong to the same caste since the factum of respondents 3 and 4 being distant relations (*Bhauband*) of petitioner is not a matter of dispute. Even otherwise, according to us, petitioner has a reason for proceeding against respondents 3 and 4 since he harbours enmity against them and had unsuccessfully prosecuted criminal proceeding against them. All these aspects together, together with documentary evidence produced by respondents 3 and 4 has been considered by the Scrutiny Committee. We are of the opinion that the petition is the outcome of the personal animosity of petitioner directed against respondents 3 and 4. Writ petition is devoid of substance hence stands rejected.

3. In view of dismissal of the petition, the amount deposited by petitioner shall stand forfeited and shall be transmitted to the account of Legal Aid Committee, High Court of Bombay, Bench at Aurangabad.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb