

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

WRIT PETITION NO.1467 OF 1999

Faraz Mohd. Khan Niyaz Mohd. Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr.U.R.Awate, Advocate h/f Mr.S.B.Talekar, Advocate for the petitioner.

Mr.D.S.Pawar, Advocate h/f Mr.K.C. Sant, Advocate for the R-6.

Mr.D.V.Tele, AGP for respondent/ State.

Mr.P.S.Patil, Advocate for R-2

**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATED : 19.06.2015

P.C. :-

1. Heard.

2. Perused the petition. Rather, belatedly in 2005, this petition is amended for the first time. The petitioner placed reliance on caste validation judgment of this Court in case of Nikhit Tabassum daughter of Khan Mohammed Umar. The petitioner says that Nikhit Tabassum is his cousin from Paternal side. The Court cannot go into the question of fact as to whether Nikhit Tabassum is cousin of the petitioner. This aspect of the case can be examined at committee's level. They have assistance

from Vigilance Cell. We therefore set aside the impugned order and remand the case back to the Committee. After remand the Committee shall only decide as to whether Nikhit Tabassum daughter of Khan Mohammed Umar is relative of petitioner.

2. The writ petition disposed of in above terms.

[A.M. BADAR,J.]

[A.V. NIRGUDE,J.]