

UNREPORTED**IN THE HIGH COURT OF JUDICATURE AT****BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.2264 OF 2013.**

Syed Qawiuddin S/o Taquiuddin,
Age 21 years, Occ.Education,
R/o Dilras Colony, Asef Bag,
Aurangabad. ... Petitioner.

Versus

1. Divisional Caste Certificate
Verification Committee No.1,
Aurangabad Division, Aurangabad,
through its Research Officer
& Member Secretary.

2. The State of Maharashtra. ... Respondents.

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Mr.C.K.Shinde, advocate for the Petitioner.
Mr.S.G.Sangle, Asstt. Govt. Pleader for the
State.

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

Date : 13.04.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule returnable forthwith. With the consent of the parties, taken for final hearing.

3. Mr.Shinde, learned counsel for the petitioner strenuously contends that the Caste claim of the petitioner as belonging to 'Julah' OBC has been invalidated only on the ground that there is no document prior to 1967, so also the validity certificate in favour of real brother and real sister of the petitioner is not accepted only on the ground that there is no record to show on what basis the claim of the real brother and sister are validated. The learned counsel submits that there is entry in the service book of the father of the petitioner of the year 1971 which states the caste as 'Julah'. The father of the petitioner has been given the benefit of 'Julah' OBC in service. The real brother and the real sister of the petitioner has been issued validity certificates as belonging to 'Julah' OBC. There is not a single adverse entry against the petitioner in any of the record. The School record of the petitioner also shows the caste as

'Julah'. As far as School record of the father is concerned, the transfer certificate does not contain the column of caste. No caste is mentioned. Even five real paternal cousins of the father have been issued validity certificates as belonging to 'Julah' OBC.

4. Mr.Sangle, learned Asstt. Govt. Pleader supports the judgment and submits that the record of the Nagpur Committee, wherein validity is given in favour of real brother is not traceable as reported by the Nagpur Committee and the record from the Pune Committee which validated the caste claim of the real sister is not received. The learned Asstt. Govt. Pleader submits that as there is no old record, the Committee has rightly negatived the claim. The record of the recent origin is rightly not considered.

5. We have considered the record, the documents and the judgment passed by the Committee. There is not a single contra evidence on record. All the documents submitted show the

caste as 'Julah'. Even the Vigilance has not found any contra evidence. The home inquiry supports the case of petitioner. The service record of the father of the petitioner of the year 1971 also records the caste as 'Julah'. Even the real brother and real sister of the petitioner has been issued the validity certificates as belonging to 'Julah' OBC. There are other validity certificates issued in favour of paternal cousins of the father of the petitioner which are placed on record. They are after the Vigilance is conducted.

6. Considering the aforesaid documents on record and the further fact that not a single contra evidence on record, so also the Vigilance report, there was no impediment for the Committee to validate the caste claim of the petitioner.

7. In the result, the impugned judgment and order is quashed and set aside. The Respondent No.1 Committee shall issue validity certificate to the petitioner as belonging to 'Julah' OBC.

8. Rule accordingly made absolute in above terms. No costs.

(A.I.S.CHEEMA, J.)

(S.V.GANGAPURWALA, J.)

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