

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

WRIT PETITION NO. 10902 OF 2014

Khatib Sadekhoddin Riyazuddin

Mujawar .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 10898 OF 2014

Khatib Shakerroddin Riyazuddin

Mujawar .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 10903 OF 2014

Khatib Forhin Sultana D/o Minajoddin .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 10906 OF 2014

Khatib Riyazuddin Khutoboddin

Mujawar .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri S. S. Thombre, Standing Counsel for the Petitioner in all matters.

Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 2 in all matters.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 28TH APRIL, 2015.**

PER COURT :

. All these writ petitions are based on similar set of facts in involve common question of law, as such are decided together.

2. Mr. Thombre, the learned counsel for petitioners states that, the respondent No. 2 invalidated the caste claims of the petitioners as belonging to Mujawar caste (O.B.C.) without conducting any affinity test, nor the same were referred to the vigilance. According to the learned counsel, the son of the petitioner in Writ Petition No. 10906 of 2014 has been granted validity as belonging to Mujawar caste (O.B.C.). According to the learned counsel, there is no contra evidence on record. The documents have not been appreciated in its correct perspective.

3. Mr. Sangle, the learned Assistant Government Pleader submits that, the vigilance has been conducted and the report of the vigilance has been received. The learned A. G. P. submits that, the documents have been rightly considered by the Committee and the committee has arrived at just conclusion.

4. We have considered the submissions canvassed by the learned counsel for respective parties. The judgment of the Committee does not reflect that the vigilance report was called

and the statements recorded by the Vigilance Officer have been considered by the Committee, nor any affinity test has been conducted and if conducted has been considered by the Committee. The same is required to be considered by the Committee. It is submitted that, even the son of the petitioner in Writ Petition No. 10906 of 2014 has been granted validity certificate as belonging to Mujawar caste (O.B.C.). The petitioners may file such documents before the Committee, which the Committee would consider on its own merits.

5. In the light of the above, we pass the following order.

6. The impugned orders passed by the Committee are quashed and set aside. The matters are remitted back to the Committee for deciding the same afresh, after considering the vigilance report and conducting the affinity test. The petitioners are entitled to file additional evidence, if the petitioners so desire. The petitioners shall appear before the Committee on 27.05.2015. The writ petitions accordingly are disposed of with aforesaid observations and directions. No costs.

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

[S. V. GANGAPURWALA, J.]

bsb/April 15