

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

WRIT PETITION NO. 2668 OF 2012

Shri Narayan Narhari Mardhekar .. Petitioner
Age. 57 years, Occ. Service,
R/o. Behind ITI,
Circus Ground (East),
Beed, Tq. & Dist. Beed.

Versus

1. The State of Maharashtra .. Respondents
Department of Cultural Affairs &
Social Justice, Mantralaya,
Mumbai-32. Through its Secretary.
2. The Divisional Caste Certificate
Scrutiny Committee 1 (Social Welfare),
Aurangabad Division, Aurangabad.
Through its Member Secretary.
3. The Sub-Divisional Magistrate,
Beed.
4. The Executive Engineer,
Godavari Marathwada Irrigation
Development Corporation, Majalgaon
Project Division, Kesapuri Vasahat,
Tq. Majalgaon, Dist. Beed.

Mr.Madhur A. Golegaonkar h/f. Mr. A.S. Golegaonkar,
Advocate for the petitioner.
Mr.P.S. Patil, A.G.P. for respondent/State.

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 21.04.2016**

ORAL JUDGMENT [PER : A.V. NIRGUDE,J.] :-

1. Rule. Rule made returnable forthwith and heard finally with the consent of learned Counsel appearing for the parties.

2. This petition challenges judgment and order dated 27.12.2011 passed by respondent No.2 holding that the petitioner could not prove his caste claim. The petitioner's claim was based on various documents which includes two old documents. We will deal with these documents one by one. First document is *Pahanipatra* of 1955-56, in which it is indicated that one Pralhad Mahadu was a Sali by caste. The petitioner's case is that Pralhad Mahadu Sali was his biological grand-father. Second document is of 1942 in which petitioner's grand-uncle one Manik Pralhad was shown to be belonging to Sali community. The vigilance report did not indicate that these documents were forged. The petitioner also amply proved that he was adopted by his mother's family. In

addition to this, the petitioner also relied on validity certificate issued to his two brothers. The documents of post 1967 also support the claim of the petitioner. The Committee rejected the claim on the ground that the persons referred above as Pralhad Mahadu Sali and Manik Pralhad Tawal were not proved to be relatives of the petitioner and the petitioner has failed to produce documents prior to 1967 and so also not produced the evidence on the basis of which validity certificate issued to brother and cousin of the petitioner. This conclusion of the Committee apparently perverse and contrary to evidence placed on record. There is ample material on record to indicate that Pralhad Mahadu and Manik were biological grand-father and grand-uncle of the petitioner. There is no contra evidence on this fact. The documentary evidence placed on record is more than sufficient to establish the caste claim of the petitioner. The reasons and findings recorded by the Committee are based upon improper appreciation of documentary evidence placed on record and are perverse.

The Committee's decision not to validate the caste of the petitioner was thus erroneous.

3. In view of above, we allow the petition. The impugned order of the committee is set aside. The Committee is directed to issue validity certificate to the petitioner as per his request.

4. Rule made absolute accordingly. No costs.

[V.L. ACHLIYA, J.]

[A.V.NIRGUDE, J.]