

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

WRIT PETITION NO. 11401 OF 2015

**APURVA NARENDRA PARDESHI AND ANOTHER
VERSUS
THE STATE OF MAHARSHTRA AND ORS.**

...
Adv.Mr.Murge E.S.
AGP Mr.A.G.Magare
Mr.P.M.Shah,Sr.Counsel with Mr.Girish Rane for R.4
....

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

DATED : 2ND MAY,2016

PER COURT :-

Perused the impugned order. It arose from earlier order passed by this Court directing the committee to find out and record findings as to whether castes "Jagiyasi", "Jagyasi" and "Jagayasi" are one and the same or different castes and based on findings to decide the caste claim of respondent No.5 afresh. Accordingly committee has decided the matter afresh and recorded the findings and decided the caste claim afresh. The committee recorded a finding that all the words mentioned above are synonyms.

2] When the matter was remanded back to the committee, no specific evidence was adduced by the petitioner/complainant to show that caste Jagiyasi mentioned in the list has a distinct characteristics which are not matching to the characteristic mentioned in the home enquiry report of the respondent no.4. Respondent no.4 has specifically mentioned that her forefathers were engaged in

maintenance work of Hindu temple. She even stated that her grand father is engaged in similar activity even now. On the other hand, petitioner/complainant alleged that respondent no.4 is a Sindhi which does not belong to a backward caste. In a situation of this nature petitioner is required to show to the Court and also to the committee that caste mentioned in the list by name Jagiyasi as peculiar characteristic which are different than maintaining a Hindu temple. Unless such evidence is brought on record the petitioners challenge is futile. Learned counsel for the petitioner placed reliance on following judgments :-

1] State of Maharashtra V/s Milind and others, reported in 2001(1) S.C.C. 4.

2] Nityanand Sharma and another V/s State of Bihar and others, reported in (1996) 3 S.C.C. 576.

3] Judgment of this Court in W.P.No.4536/2014 and 4542/2014 decided on 14th August, 2014.

We have perused the rulings referred and relied by learned counsel. The facts of the case before us are altogether different. Rulings relied have no bearing upon facts of the case and issues involved in the matter before us.

3] Learned Counsel has further submitted, that the order of this Court passed earlier directing the committee to examine whether there is any similarity between the caste "Jagiyasi", "Jagyasi" and "Jagayasi" was erroneous. We are not concerned with the nature of the order passed earlier. We cannot sit in judgment over such order. The order was implemented and committee has decided the matter

in the light of directions given earlier. Petitioner should have brought on record evidence to show the characteristic of "Jagiyasi" caste which is mentioned in the list and to show differentiation between characteristic of respondent no.4's caste. Since it is not done there appears no merit in the petition. Petition is devoid of merit and substance therein. In view of this, petition is dismissed. No order as to costs.

(V.L.ACHLIYA,J.)

(A.V.NIRGUDE,J.)

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