

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11274 OF 2015.

Amol Maruti Sandugade

... Petitioner

Vs

1. The State of Maharashtra & Anr. ... Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. Sushma Bhende, AGP, for the Respondent Nos.1 & 2.

**CORAM : S.C. DHARMADHIKARI &
A.A. SAYED, JJ.**

FRIDAY, 11TH MARCH, 2016

P.C. :

1. Having heard both sides, we find that the approach of the Committee is unsustainable and in law.

2. The Committee has invalidated the caste claim of the petitioner to Kunbi-OBC (Other Backward Classes). It has passed an order assigning reasons and particularly that the petitioner could not establish and prove the relationship in the family tree. The petitioner has also in the family tree or genealogy pointed out that the common ancestor was one Raghu. He had two sons Joti

and Hira. Joti had two sons Devba and Rama. The sub-branch of the petitioner is Rama. We are concerned with one of the sons of Joti, namely, Rama. Rama had one son Daulu. Daulu had four sons Ganpati, Baburao. Bapu and Pandurang. Ganpati had one son Maruti who is the father of the petitioner.

3. While relying upon the caste certificate of Baburao who is the cousin grand-father of the petitioner, he had stated that the said Baburao son of Daulu was the first cousin relative. However, the Committee found that in case of Baburao's father Daulu Rama Sandugade, there was no entry in the original register of the Tahsildar office Kagal. Insofar as entry in respect of Daulu Rama Khandugale it appears that the original entries are upto 30th November, 1930 and there is no record of the date 22nd December, 1930. The birth extract of Daulu Rama Sandugade's son Baburao dated 27th May, 1930, is forged and bogus.

4. Thus, the Committee's conclusion was that the documents, at least these two, were forged and bogus. The Committee arrived at this conclusion based on some internal enquiry report dated 16th July, 2015, forwarded to it by the Internal Enquiry

Committee. This was stated to be in conformity with the earlier report submitted by the Vigilance Officer on 17th August, 2013. We find from the record that the report of this internal enquiry was never forwarded to the petitioner, though its contents have been considered. The Committee has not given any justification for such a course and adopted by it. It has relied upon the same report of an internal enquiry. In such circumstances what we find is that the Committee could not have invalidated the caste certificate by such a reasoning. In fact, we do not find any reference and in details to the contents of the Vigilance report and the recommendations therein. If they were indeed relied upon or deviated from that is also not discernible from the impugned order.

5. In such circumstances, we quash and set aside the impugned order and direct the Committee to verify and scrutinize the caste claim of the petitioner afresh. It shall pass a fresh order without being influenced in any manner by two earlier conclusions. It shall follow the mandate of the Act and Rules and if it intends to rely upon any reports, then, the copies thereof be forwarded and if the contents are being deviated from, then the

petitioner's explanation or reply thereto be called for. Meaning thereby, compliance shall be made with the principles of the natural justice before passing any order.

6. The Writ Petition is allowed in these terms and stands disposed of accordingly. There shall be no order as to costs.

A.A. SAYED, J. + *S.C. DHARMADHIKARI, J.*