

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

**WRIT PETITION NO. 1336 OF 2015
WITH
CIVIL APPLICATION NO. 12326 OF 2017**

Panchakshari s/o. Shankerrao Mathapati .. Petitioner
Age. 53 years, Occ. Service,
R/o. Sarapha Lane, Main Road,
Tq. Kandhar, Dist. Nanded.

Versus

1. The State of Maharashtra .. Respondents
(Through the Secretary,
Social Welfare Department,
Mumbai.)
2. The Scheduled Caste, Vimukta Jati,
Nomadic Tribe, Other Backward and
Special Backward Category
Divisional Caste Certificate
Verification Committee
(Through its Secretary) and Divisional
Social Welfare Officer,
Aurangabad Division-3 and Special
District Welfare Officer, Latur.
3. The Tahsildar,
Tq. Kandhar,
Dist. Nanded.
4. The Principal Chief General Manager,
Human Resource Management Department,
Reserve Bank of India, 20th Floor,
Central Office Building, Shahid
Bhagat Singh Road, Mumbai – 400 001.

5. The Assistant General Manager,
Reserve Bank of India,
Human Resource Management Department,
Rajaji Salai, Fort Glacis,
Chennai – 600 001.

Mr.M.C. Swami, Advocate for the petitioner.
Mr.K.D. Munde, AGP for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 30.11.2017**

ORAL JUDGMENT [PER : S.V. GANGAPURWALA, J.] :-

1. Rule. Rule made returnable forthwith. With the consent of the parties taken up for final disposal.

2. Mr.Swami, learned advocate for the petitioner submits that the caste claim of the petitioner as belonging to Malajangam – Scheduled Caste is invalidated. Four real paternal cousins of the petitioner have been issued the validity certificate of Malajangam – Scheduled Caste, namely, Bhagwat Mallikarjun Mathapati, Raghunath Mallikarjun Mathapati and Surekha Mallikarjun Mathapati

so also Vishwanath Mallikarjun Mathapati. The caste claim of the petitioner is rejected without considering the validity issued in favour of the paternal cousins. The persons to whom validities are issued as referred to above are sons and daughter of real paternal uncle of the petitioner. Learned Counsel submits that the validity issued in favour of Surekha Mallikarjun Mathapati could not be placed before the Committee.

3. The learned advocate submits that the petitioner after decision of the Committee, could lay his hand on the old village record, in which the grand-father's caste is shown as Malajangam. Said record is of the year 1349 falsi. Learned advocate further submits that the Committee has rejected the claim without considering the documents relied in the said proceedings.

4. Learned AGP submits that the original school record of the petitioner records the caste of the petitioner as Jangam and not Malajangam. The validity

issued in favour of near relatives of the petitioner did not inspire confidence. Same was without considering the basic document and is rightly discarded by the Committee.

5. We have considered the submissions canvassed by the respective parties, so also gone through the judgment and documents produced by the petitioner.

6. The validity granted in favour of Surekha Mallikarjun Mathapati was not before the Committee, so also in the present writ petition, the petitioner along with Civil Application has filed photocopy of the document stating that in the said Pahní Nakkal, caste of the grandfather of the petitioner is shown as Malajangam. Said document is of 1349 fasli, equivalent to 1939. It is for the committee to consider the admissibility and genuineness of the said document. So also the Committee will have to satisfy itself with regard to genealogy and the relations who have been granted validity. Considering that the additional evidence is produced

here, we feel it appropriate to remit the matter back to the Committee.

7. Considering the above, we pass following order :-

8. The impugned order invalidating caste claim of the petitioner is quashed and set aside. The matter is remitted to the Committee for decision afresh. The petitioner is at liberty to produce additional evidence before the Committee. The petitioner shall appear before the Committee on 18.12.2017 and produce additional documents on which it relies. The Committee shall consider additional evidence produced on record and its genuineness and if it feels proper, refer it to the vigilance. The Committee shall after hearing the petitioner, decide the validation proceedings afresh expeditiously, preferably within six months from the date of appearance of the petitioner.

9. The respondent-employer shall not take any coercive action against the petitioner only on the ground that the validation proceeding is pending. The respondent-employer can take further course of action depending upon the judgment that may be delivered by the Committee in the validation proceedings.

10. Rule made partly absolute accordingly. No costs.

11. In view of disposal of the writ petition, civil application does not survive and stands disposed of.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]