

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

WRIT PETITION NO. 3238 OF 2002

Syed Maheboob Ali Syed Ahmed Ali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. A. S. Golegaonkar, Advocate for the Petitioner.

Shri. P. S. Patil, Addl.G.P. for Respondent Nos. 1, 3, 4 and 6.

Shri S. T. Shelke, Advocate for the Respondent No. 2.

Shri Satyajit S. Bora, Advocate for the Respondent No. 5 is absent.

**CORAM : S.V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATED : 06th October, 2017

PER COURT:

. Mr. Golegaonkar, the learned counsel for the petitioner states that the petitioner is claiming validity of his caste certificate as belonging to “Julaha” caste (O.B.C.). The learned counsel submits that, during the pendency of the writ petition, the son of the petitioner namely Syed Haris Ali Sayed Mahboob Ali is issued with the validity certificate on 04.10.2011

and the real sister of the petitioner namely Saida Rafat Begum is issued with the validity certificate on 03.03.2011 of "Julaha" caste. The learned counsel submits that, as the son and sister of the petitioner are issued with validity certificates of "Julaha" caste (O.B.C.). The petitioner also deserves to be issued with the validity certificate. Mr. Golegaonkar, the learned counsel submits that, out of three members, the Chairman has decided in favor of the petitioner and other two members have rejected the claim of the petitioner.

2. Mr. Patil, the learned Addl. G. P. submits that the committee will have to enquire about the manner in which the validity is issued to the son and sister of the petitioner and the evidence considered therein.

3. Considering the facts that, during the pendency of the petition, the son and the real sister of the petitioner have been issued with the validity certificates, we set aside the judgment of the scrutiny committee and remit the matter back to committee for deciding the same afresh. The petitioner shall appear before the committee on 07.11.2017. The petitioner is entitled to produce additional documents. The committee shall consider the additional documents produce by the petitioner, their relevancy and efficacy and after hearing the petitioner decide the

proceeding on its own merits, expeditiously and preferably within a period of six (6) months from the date of appearance. The writ petition accordingly is disposed of. Rule discharged. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 3238.02