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

**WRIT PETITION NO. 3993 OF 2002
WITH
CIVIL APPLICATION NO.8895/2009**

Naved Yousuf Shah s/o
Dr.Yousuf Hazi Habib Shah,
Aged 18 years, (completed)
Student, R/o Wakdi, Tq.Jamner
Dist.Jalgaon.

.. PETITIONER

VERSUS

1]The State of Maharashtra
(Copy to be served on the
Government Pleader, High
Court, Bench : Aurangabad)

2]The Scheduled Castes,
Vimukta Jatis, Nomadic Tribes,
Other Backward Classes and
Special Backward Classes
Welfare Caste Verification
Committee, Nasik Region, Nasik
(through its Member Secretary)

3]Ayurvedic Medical College
Nalasopara Mumbai
(Through its Principal)

4]The Sub-Divisional Officer,
Jamner, Dist.Jalgaon.

..RESPONDENTS

Shri U.R.Aute,Adv. h/f Shri S.B.Talekar,Adv. For petitioner
Shri P.S.Patil, AGP for respondent no.1.

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 08/09/2017

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

The caste claim of the petitioner as Chapparband (Vimukta Jati) is invalidated.

2] We have heard Mr.Aute, learned counsel for petitioner and Mr.P.S.Patil, learned AGP for respondent State.

3] It appears that the real elder brother and sister of the petitioner had been issued with the validity certificate as belonging to Chapparband (Vimukta Jati). The objection to the said certificate is that they were issued without vigilance.

4] It is submitted that during the pendency of the present Writ Petition, the paternal cousins of the petitioner have been issued with the validity certificate on 2/8/2011 and 10/8/2010 viz. Hasimshah Mustaqshah and Nadimshah Mustaqshah. Naturally these validity certificates and the evidence led therein were not before the Committee.

5] Considering the above, we deem it appropriate to give opportunity to the petitioner to produce said evidence before the Committee and the Committee shall reconsider the caste claim of the petitioner for Chapparband (Vimukta Jati).

6] In light of the above, we pass following order :

I] The impugned judgment and order is quashed and set aside. The matter is remitted to the Committee for decision afresh.

II] The petitioner may produce the additional evidence before the Committee. The petitioner shall appear before the Committee on **3 October 2017**. The Committee shall after considering the additional evidence produced and also considering the entire evidence afresh, decide the proceeding on its own merits expeditiously. Rule accordingly, partly made absolute. No costs.

III] In view of disposal of Writ Petition, Civil Application stands disposed of.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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