

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

REVIEW APPLICATION (CIVIL) NO. 276 OF 2017

IN

WRIT PETITION NO. 10389 OF 2016

The District Caste Verification ... Applicants.  
Scrutiny Committee Nanded & oth.

VERSUS

Vishal Bhagwanrao Chandel and ... Respondents.  
another.

...

Mr. S.G. Karlikar, A.G.P. for applicants.  
Mr. S.K. Chavan, Advocate for respondents .

**CORAM : S. V. GANGAPURWALA &  
K. L. WADANE, JJ.**

**DATE : 8<sup>th</sup> December, 2017**

**ORDER:**

1. The scrutiny committee has filed present review application.

2. We have heard the learned A.G.P. Learned A.G.P. submits that present review is filed on the ground that affinity test is not conducted.

3. The committee should consider that when the proposal is forwarded to the committee for verification of the caste claim, it is duty of the committee to follow the procedure. The committee is not an

adversary party. It is certainly not a adversarial litigation between the candidate and the committee. It is the duty of the committee to decide the proceedings in accordance with law. The affinity test is a corroborative piece of evidence.

4. While deciding the writ petition we have considered that the issue of affinity test was not raised. Moreover, we had found that the documents on record produced consistently referred the caste as 'Rajput Bhamta'. There was no contra evidence on record. In the record of the father the caste 'Hindu' is mentioned. However, the same is religion and cannot be considered as contra entry. Considering the consistent evidence, we had allowed the writ petition.

5. In the light of above, review application is dismissed. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J. )

mkd