

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4994 OF 2003

Laxman s/o Hilalsing Salok, Aged 28 **Petitioner**
Years, Occupation Lecturer, Resident
of T2 Green Quarter, University
Campus, Dr. Babasaheb ambedkar
Marathwada University, Aurangabad –
431004

V E R S U S

- 1 The State of Maharashtra, Through **Respondents**
Secretary, Social Justice
Department, Mantralaya, Mumbai –
400032
- 2 Divisional Caste Scrutiny Committee,
Commissioner Office (Revenue),
Through its Chairman, Divisional
Joint Commissioner (Revenue),
Aurangabad, District Aurangabad

Mr. P.R. Patil, Advocate for the Petitioner
Mr. M.B. Bharaswadkar, A.G.P.
for the Respondents/State

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

DATE : 3RD FEBRUARY, 2017

ORAL JUDGMENT (PER: S.V.GANGAPURWALA, J.) :

1. The petitioner's Caste as belonging to 'Rajput Bhamta" Vimukta Jati, has been invalidated by the respondent no. 2 - Committee. Aggrieved thereby, present petition is filed.

2. Mr. P.R. Patil, learned counsel for the petitioner states that the Committee has not considered the documentary evidence on record. The Vigilance report is in favour of the petitioner. The Committee has not considered the affinity test. During the pendency of the Writ Petition, cousin brother of the petitioner namely Santosh Ramsingh Salok and cousin niece namely Durgadevi Sudham Salokh are issued with validity Certificates of the Committee.

3. Mr. M.B. Bharaswadkar, learned Asst. Government Pleader submits that there is contra evidence on record against the petitioner.

4. We have gone through the documentary evidence on record. Upon perusal of the judgment delivered by the Committee, it transpires that the Committee has not considered the affinity test and the ethnic linkage of the petitioner with 'Rajput Bhamta' community. It would be the corroborative piece of evidence. It is seen that during pendency of the Writ Petition before this Court, the validity has been granted to the near relatives of the petitioner namely Santosh Ramsingh Salok and Durgadevi Sudham Salokh. It is for the vigilance Cell to verify the genuineness of the relationship of the petitioner with those persons in whose favour Validity Certificates have been issued. So also, it is incumbent upon the Committee to undertake affinity test. In absence thereof, the Judgment cannot be sustained. In the light of above, we pass the following order :-

O R D E R

1. The impugned Judgment and order dated 20.09.2003, passed by respondent no 2

Divisional Caste Scrutiny Committee,
Aurangabad is quashed and set aside.

2. The petitioner shall appear before the Divisional Caste Scrutiny Committee, Aurangabad on 22nd February, 2017. The petitioner is at liberty to produce the additional documents before the Scrutiny Committee.
3. The Divisional Caste Scrutiny Committee, Aurangabad shall verify the validity Certificates produced by the petitioner and confirm the relationship of the petitioner with those persons in whose favour Validity Certificates have been issued and may be referred to the Vigilance Cell, so also conduct affinity test, and thereafter, dispose of the proceeding within six months from the date of appearance of the petitioner.

5. Rule is made absolute in the above terms. No
costs.

(**SANGITRAO S. PATIL, J.**) (**S.V. GANGAPURWALA, J.**)

SRM/3/2/17