

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

WRIT PETITION NO. 2938 OF 2011

Nandkishor Pandurang Rajput .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Amol S. Sawant, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

The Respondent No. 3 is served.

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

DATE : 19TH JANUARY, 2017.

PER COURT :

. Mr. Sawant, the learned counsel for the petitioner states that, the caste claim of the cousin uncle of the petitioner has been validated as belonging to Rajput Bhamta (V.J.) Even subsequently the caste claims of two cousin sisters of the petitioner are validated as belonging to Rajput Bhamta (V.J.) The committee has discarded validity in favour of the cousin uncle of the petitioner only on the ground that relationship is not proved by revenue record or otherwise. According to the learned counsel, the vigilance has been conducted and the vigilance report does not dispute the said relationship. The learned counsel submits that, this evidence has been totally ignored.

2. Mr. Patil, the learned Additional Government Pleader submits that, school record of the petitioner and his father shows caste recorded as Rajput and not Rajput Bhamta. In view of the documents of the petitioner and his father no other view would have been possible. Even relationship of cousin uncle has not been proved. The committee has rightly considered the said aspect.

3. We have gone through the judgment delivered by the Committee and the documents filed on record. The school record of the petitioner and his father appears to show caste as Rajput. The petitioner has filed genealogy and affidavit of cousin uncle, who stated about the relationship and the validity certificate issued to him. In fact, vigilance ought to have verified the genuineness of said relationship. The same does not appear to have been considered and in format vigilance report is submitted. It is stated that, subsequently also validity is granted in favour of two cousin sisters of the petitioner, who are related from the paternal side.

4. Considering the above, we pass following order.

5. The impugned order is quashed and set aside. The matter is relegated before the Committee for deciding afresh. The petitioner shall appear before the Committee on 09.02.2017. The

Committee shall consider the documents produced while issuing validity in favour of two cousin sisters and cousin uncle of the petitioner as averred by the petitioner. The Committee is also at liberty to ask the vigilance to conduct enquiry with regard to relationship. The Committee shall thereafter decide the proceedings expeditiously. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]