

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

WRIT PETITION NO. 5487 OF 2003

Shaikh Nizam Shaikh Jainoddin .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. T. Shelke, Advocate for the Respondent No. 4.

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

DATE : 06TH OCTOBER, 2017.

FINAL ORDER :

. Mr. Barlinge, the learned counsel for the petitioner submits that, the caste claim of the petitioner as Julaha caste (O.B.C.) is invalidated. According to the learned counsel, subsequently two real sisters of the petitioner have been granted with validity certificates of Julaha caste (O.B.C.) on 20.08.2016 and 07.07.2012. The learned counsel submits that, when the real sisters have been granted with validity, the petitioner also deserves to be granted the same.

2. The learned counsel submits that, the documents filed on record before the Committee also show the caste Julaha in

respect of the grandfather and the relatives and in some documents Musalman is written. It is not contra evidence.

3. Mr. Patil, the learned Additional Government Pleader submits that, the fact of rejection of validity of present petitioner was not brought to the notice of Committee while considering claims of the sisters.

4. We have considered the submissions canvassed by the learned counsel for parties.

5. The validities are granted to two real sisters of the petitioner during the pendency of present writ petition. The committee had no occasion to go through those validities granted in favour of sisters of the petitioner while considering claim of the petitioner. Considering that, the real sisters have been granted validity subsequently, we deem it appropriate to remit the matter back to the committee.

6. In the light of the above, we pass the following order.

7. The impugned order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 02.11.2017. The petitioner is entitled to produce additional documents before the Committee. The

Committee after considering additional documents produced, so also the documents which are already filed on record and after hearing the petitioner shall decide said proceeding afresh expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The writ petition accordingly stands disposed of. Rule discharged. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 17