

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

BENCH AT AURANGABAD.

WRIT PETITION NO.8349 OF 2015

Pooja D/o Ranjit Patil ... Petitioner.

Versus

The State of Maharashtra
and another. ... Respondents.

...

**WITH
WRIT PETITION NO.882 OF 2017**

Mr.B.L.Sagar Killarikar, advocate for the
petitioners.
Mr.P.S.Patil, Additional Government Pleader for
the State.
Respondent Nos.3 and 4 served.

...

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

Date : 05.12.2017.

PER COURT :

1. The caste claim of the petitioners as
Rajput Bhamta (V.J.) is invalidated. Aggrieved
thereby, the present petitions.

2. Mr.Sagar Killarikar, learned counsel
for the petitioners submits that in Writ Petition

No.8349/2015, the father of the petitioner has been issued with the validity certificate. However, learned counsel submits that the said validity certificate is not been properly construed. Amongst other submissions, Mr.Sagar Killarikar, learned counsel submits that in both these matters the affinity test is not conducted though Research Officer was very much part of the Committee. According to the learned counsel, all the attending circumstances are required to be considered. Learned counsel prays for remitting the matters to the Committee.

3. Mr.Patil, learned Additional Government Pleader submits that validity in favour of the father of the petitioner in Writ Petition No.8349/2015 has been rightly discarded. The learned Additional Government Pleader, however, accedes to the fact that affinity test has not been conducted in both these matters and that the same is required to be conducted by the Committee.

4. In light of the above, without entering

into the merits of the contentions of either of the parties, it will be appropriate to remit the matters to the Committee for conducting the affinity test and thereafter decide the proceedings afresh.

5. In the result, the impugned orders are quashed and set aside. The parties are relegated before the Committee. The petitioners shall appear before the Committee on 18.12.2017. The Committee shall conduct the affinity test. The petitioners are entitled to produce additional evidence if they so desire. The Committee shall endeavour to dispose of the proceedings on its own merits, preferably within a period of four (4) months from the date of appearance of the petitioners.

6. The Writ Petitions are disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

