

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

WRIT PETITION NO. 2248 OF 2016

Payal D/o Jerom Palghadmal,
Age : 21 years, Occu. : Education,
R/o Satral, Tq. Rahuri,
Dist. Ahmednagar. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai - 32.
2. The Divisional Caste Scrutiny
Committee - 1, Nashik Division,
Nashik.
3. Pravara Gramin Aushadh Nirman
Shastra Mahavidyalaya,
Pravara Nagar, Tq. Rahata,
Dist. Ahmednagar. .. Respondents

Shri Y. S. Choudhari, Advocate for the Petitioner.
Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 and 2.
Shri A. V. Hon, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 13TH SEPTEMBER, 2017.**

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of

parties taken up for final hearing.

2. The caste claim of the petitioner as 'Mahar' (Scheduled Caste) was referred to the Committee for verification. The Committee invalidated the caste claim of the petitioner. Aggrieved thereby present petition.

3. Mr. Choudhari, the learned counsel for the petitioner submits that, the revenue documents of pre-independence era showed the name of the petitioner's great grandfather as Arjun Mahar. The said entry is consistently observed in various 7/12 extracts and mutation entries. The learned counsel submits that, even school record of the petitioner depict the caste as Mahar. Only on the ground that there are no old documents and that some statements are recorded from the uncle of the petitioner and grandfather that last rites were observed as per Christian religion, the claim of the petitioner is invalidated. The learned counsel submits that, even claim of paternal cousin of the petitioner has been validated by the Committee as Mahar (S.C.). One claim was validated prior to invalidation of the petitioner's claim and another claim was validated after invalidation of petitioner's claim. However, petitioner could not place on record the validity certificate of her paternal cousin validating his claim prior to invalidation of petitioner's caste claim.

4. We have also heard the learned Assistant Government pleader for respondent Nos. 1 and 2, who supports the order passed and submits that, the petitioner was professing Christianity.

5. The petitioner had not placed on record genealogy before the Committee. It would not be possible to consider the validity granted in favour of the paternal cousin of the petitioner, in absence of the genealogy being verified by the vigilance.

6. The vigilance has observed that, they had visited the Churches in the nearby vicinity, however, could not find any record of the petitioner or her ancestor under going baptism. The revenue documents of pre-independence era records Mahar as against the name of the person namely Arjun, who is claiming to be the great grandfather of the petitioner, however, same also has to be verified by the vigilance that is relationship.

7. Considering the above, we deem it appropriate to grant one more opportunity to the petitioner.

8. In the result we pass following order.

9. The impugned order is quashed and set aside. The parties

are relegated before the Committee for deciding caste claim of the petitioner afresh. The parties shall appear before the Committee on 03rd October, 2017. The petitioner has filed on record the additional documents on which she seeks to place reliance, so also genealogy. The Committee may refer the said documents and such other aspects to the vigilance and shall decide the said proceeding afresh after hearing the petitioner expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner.

Rule is made absolute in above terms. No costs.

Sd/-

[MANGESH S. PATIL, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17