

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

946 WRIT PETITION NO. 1012 OF 2015

TEJASWINI VIJAYSING PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO. 1015 OF 2015

KARISHMA D/O SANJAY PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Vijay B. Patil, Advocate for the Petitioner.

Mr. S. P. Sonapawale, AGP for Respondent-State.

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

DATED : 05th OCTOBER, 2018.

PER COURT:-

1. The caste claim of petitioners as belonging to Rajput Bhamta (V.J.) is invalidated.

2. Mr. Patil, learned counsel for petitioners submits that the real brother of the petitioner Tejaswini namely Rushikesh has been issued with the validity certificate of Rajput Bhamta (V.J.) on 27.12.2017 and the first cousin of the petitioner Karishma namely Manish has been issued with the

validity certificate of Rajput Bhamta (V.J.) on 10.01.2018. The same is required to be considered.

3. Mr. Sonapawale, learned A.G.P. submits that the invalidation of the caste claim of the petitioners was not brought to the notice of the committee in the validation proceedings of Manish and Rushikesh.

4. If a fraud is played upon the committee at the time of issuing validity, the same cannot be a ground to issue validity to the close blood relative.

5. Considering the fact that the real brother of the petitioner Tejaswini and first cousin of the petitioner Karishma have been subsequently issued with the validity certificate. It will be for the committee to consider the circumstance under which the validity is issued to them and the case of the petitioner on its own merits.

6. With this view, we are remitting the matter back to the committee by setting aside the impugned order.

7. The writ petitions are disposed of. The petitioners are relegated before the committee. The petitioners shall appear before the committee on 30.10.2018. The committee shall consider the validity certificates issued in favour of the real

brother of the petitioner Tejaswini and the first cousin of the petitioner Karishma and thereafter decide the proceedings afresh preferably within a period of four (04) months from the date of appearance of petitioners.

8. Till the validity proceedings are decided, the petitioners shall not be entitled to the benefit of reservation.

9. With these observations, writ petitions are disposed of.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
Date: 2018.10.09
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