

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5892 OF 2015**

Shaikh Salim Ahmadmiya

..

Petitioner

Versus

The State of Maharashtra and others

..

Respondents

Shri. S. C. Yeramwar, Advocate for Petitioner.

Shri. S. P. Sonpawale, A.G.P. for Respondent Nos. 1 and 2.

Shri. Satej S. Jadhav, Advocate for Respondent No. 3.

CORAM : S.V. GANGAPURWALA AND**S. M. GAVHANE, JJ.****DATED : 18th September, 2018****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 belonging to “Chapparband” (V.J.-A) is invalidated.

3. Mr. Yeramwar, the learned advocate for the petitioner submits that the real paternal uncle of the petitioner has been issued with the validity certificate of “Chapparband” (V.J.-A). The School record of the father of

the petitioner of the year 1967 records caste as “Chapparband”. School record of the petitioner records caste as “Chapparband”. The learned counsel submits that there is not a single contra evidence on record, still the claim is invalidated only on the ground that there are no old documents filed.

2. Mr. Sonpawale, the learned A.G.P. submits that in the sale deed of the grandfather of the petitioner in front of the name of his grandfather “FakirSha” is recorded. The circular dated 23.03.2011 has been set aside. The said circular laid down that wherever the name Fakir, Shah is appearing, the same would be synonymous with the “Chapparband”. According to the learned A.G.P. there are no old documents and the school record of the father of the petitioner could not be verified, as the original record was not available.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also gone through the judgment passed by the committee.

4. The petitioner had produced the school record of the father, the petitioner himself and the validity certificate issued to the real paternal uncle of the petitioner.

5. It appears that, there is not a single contra evidence on record. The committee has also not come to the conclusion that the validity certificate issued to the real paternal uncle of the petitioner is issued by fraud or without considering relevant documents. The school record of the father of the petitioner records caste as “Chapparband”. The original record could not be verified, as the Head Master has said that the same is not available in view of the torrential rains and there was rehabilitation of the village. However, the vigilance has not doubted the genuineness of the said certificate.

6. No reason is given for not accepting the validity certificate issued in favour of the real paternal uncle of the petitioner. The relationship is not disputed. As observed above, there is not a single contra evidence on record.

7. In light of the above, the impugned judgment and order is quashed and set aside. The respondent committee shall issue the validity certificate to the petitioner of “Chapparband” (V.J.) within a period of four weeks from today. Rule made accordingly absolute in above terms.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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