

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10101 OF 2016

Ajaysh S/o Bandusingh Thakur ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.H.V.Patil, advocate for the petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 27.02.2018.

PER COURT :

1. The caste claim of the petitioner is invalidated basically on the ground that there is no pre-independence record and that the reliance placed on the School record of Laxmansingh Gangasinh Thakur is a manipulated record.

2. Learned counsel for the petitioner submits that in fact, petitioner had not relied on the said document and vigilance report also does not state about the record being manipulated of Laxmansingh. Even the petitioner was not given opportunity to explain the said entry.

3. Learned advocate for the Respondents submits that the Committee has considered the original School record of Laxmansingh and has rightly arrived at the conclusion.

4. The petitioner in this Court has produced one document in Urdu styled as mortgage deed. The translation of the said document is placed on record. According to the petitioner, the executant is his real grand father and the document records the caste of his grand father "Rajput Bhamta".

5. In the vigilance report, nothing is stated about the School record of Laxmansingh to be forged or manipulated. If the Committee has based its judgment on the said document, it was

imperative to give opportunity to the petitioner to put forth his say on the said document. The opportunity has not been given to the petitioner. The petitioner has also produced copy of the unregistered mortgage deed of the year 1360 Fasli. The Committee may get it verified from vigilance.

6. Considering the fact that the petitioner was not given opportunity to explain about the document (School record) of Laxmansingh, we set aside the impugned order and relegate the petitioner before the Committee. The petitioner shall appear before the Committee on 19.3.2018. The petitioner is at liberty to produce additional evidence and also submit his say with regard to the document of Laxmansingh.

7. The Committee shall after hearing the petitioner decide the proceedings afresh within six (6) months from the date of appearance.

8. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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