

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10840 OF 2015

Sajjubi Gaffurshah Fakir .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

Mr. Vijay B. Patil, Advocate for the Petitioner.
Mr. V. S. Badakh, A.G.P. for Respondent Nos. 1
and 2.
Mr. Anil S. Bajaj, Advocate for Respondent No. 3.

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

DATE: 4th September, 2018

PER COURT :

1. The caste claim of the petitioner as 'Chapparband' (V.J.) is invalidated.

2. Mr. Patil, the learned advocate for the petitioner submits that after filing of the present writ petition the petitioner could lay his hands on the school record of his uncle Abbas Shah in which the caste is recorded as 'Chapparband'. The said record is of the year 1940. It will have high evidential value. The learned counsel further submits that the Circular was issued by the State

Government to the effect that if in the name 'Fakir' or 'Shah' appears the same be considered as that of 'Chapparband' caste.

3. The learned A.G.P. submits that the said Circular has been set aside by the judgment of this Court at Nagpur. The school record of the petitioner, his father and his uncle records caste as 'Fakir' the same is not akin to 'Chapparband'.

4. We have gone through the order of the Committee. The Committee has observed that there is no document produced by the petitioner showing the caste of his relatives recorded as 'Chapparband'. The petitioner has produced on record before this Court copy of the School Leaving Certificate issued by Zilla Parishad Marathi Boys School Yawal, Taluka - Yawal, District - Jalgaon. The said document is of the year - 1940 of her uncle - Abbas Shah. Of course the genuineness of the said documents will have to be considered and verified with the original record by the vigilance. Considering the

additional documents produced by the petitioner we are inclined to grant her one more opportunity.

5. In the result we pass the following order-

ORDER

I] The judgment of the Committee is quashed and set aside.

II] The petitioner is relegated before the Committee.

III] The petitioner shall appear before the Committee on 25th September, 2018.

IV] The petitioner may produce additional evidence on record.

V] The Committee shall conduct the vigilance in respect of the documents produced by the petitioner and shall take decision on its own merits, in accordance with law, expeditiously and preferably within a period of six (6) months from the date of appearance of the petitioner.

6. Writ Petition accordingly stands disposed of.

No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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