

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

WRIT PETITION NO. 6762 OF 2019

Asif Ahmed Mohd Afsar Qureshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Ghatol Patil, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 11TH JUNE, 2019.

FINAL ORDER :

. The caste claim of the petitioner as belonging to Khatik caste (O.B.C.) has been invalidated. Mr. Ghatol, the learned advocate for the petitioner submits that, no opportunity of hearing was given by the Committee. On 27th August, 2018, the petitioner received the notice by SMS and on the same day he was required to attend the proceeding and the matter is closed on same day for judgment. The learned counsel further submits that, the school record of the grandfather of the petitioner of the year 1958 records caste as Khatik, however, the petitioner could not produce that document before the Committee. The petitioner be given an opportunity to produce the document and to contest

the matter on merits. The learned counsel submits that, even vigilance is not conducted.

2. The learned Additional Government Pleader accepts notice for respondent Nos. 1 and 2 and submits that, in absence of any document, the Committee was not required to conduct any vigilance. The school record of the father of the petitioner records caste as Musalman. In absence of any documentary evidence, the Committee has rightly passed the order.

3. No doubt, if the documents are not on record, the Committee is not required to conduct the vigilance. The entry of Musalman in the school record of the father of the petitioner cannot be considered as contra evidence. Same is a religion. However, the petitioner has produced copy of school extract of the grandfather of the year 1958 showing caste as Khatik. Same can be referred by the Committee for vigilance. So also considering that the matter involves issue about social status of the petitioner, we afford one more opportunity to the petitioner to prove his caste.

4. In the light of the above, the impugned judgment and order passed by the Committee is quashed and set aside. The matter is remitted back before the Committee for deciding it afresh. The petitioner shall appear before the Committee on 25th June, 2019.

The petitioner is allowed to produce additional documents. If the petitioner produces additional documents, the Committee shall refer the same to the vigilance and thereafter decide the validation proceedings expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The writ petition is partly allowed. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19