

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3432 OF 2018

Rajesh Vitthal Shewre @ Gaikwad

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. A.V. Patil, Advocate for Petitioner

Mr. P.K. Lakhotiya, Assistant Government Pleader
for Respondents/State

Mr. S.K. Mathpati, Advocate for Respondent Nos. 2 and 5

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

DATE : 3rd APRIL, 2019

ORAL ORDER:

1. The caste claim of the petitioner was taken up for verification upon the complaint filed by the respondent No. 5 i.e. wife of the petitioner. The same is invalidated. Mr. Patil, the learned Counsel submits that invalidation of the caste claim is without affording opportunity to the petitioner. According to the learned Counsel, the vigilance was also not conducted. No proper opportunity was given.

2. Mr. Mathpati, the learned Counsel for the respondent No. 5 submits that notices were issued to the petitioner from time to time.

The petitioner deliberately remained absent. The documents were scrutinized by the Committee. The documents were showing that the petitioner was of Maratha caste. In view of that, the Committee has invalidated the caste claim of the petitioner as Maratha.

3. According to the petitioner, the notice was never served upon the petitioner.

4. We have also heard the learned Assistant Government Pleader.

5. It appears that once the petitioner was directed to remain present on 07.01.2016, but the petitioner did not remain present. Then subsequently, notice was given to the petitioner to remain present on 21.01.2016. On that day also, the petitioner did not remain present.

6. From the Judgment it appears that the vigilance and the home enquiry was not conducted.

7. Considering that it is the matter with regard to the social status of the petitioner vis a vis caste, we are inclined to grant one more opportunity to the petitioner.

8. In light of the above, the impugned order passed by the Scrutiny Committee invalidating the caste claim of the petitioner is

quashed and set aside. The petitioner and respondent No. 5 shall appear before the Committee on 11th April, 2019. The Petitioner shall produce the documents before the Committee and then on the basis of the documents, and by following proper procedure, the Committee shall decide the claim on its own merits, after hearing the parties, in accordance with law, expeditiously and preferably within a period of six months from the date of appearance of the parties.

9. Mr. Mathpati, the learned Counsel has appeared through Legal Aid. The payment shall be made as per Rules to the learned Counsel for the respondent No. 5.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

mta