

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

19 WRIT PETITION NO.4903 OF 2018

SHAIKH YUNUS SHAIKH YUSUF
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. H. V. Patil h/for
Mr. Londhe Shashikant S
Addl. GP for Respondents State: Mr. P.S.Patil
Advocate for Respondent No.3 : Mr. Anand D. Wange

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 11th March, 2019

PER COURT :

1. Learned counsel for the petitioner submits that son of the petitioner has been issued with the validity certificate of Julha, O.B.C. The service record of the petitioner and his father refers caste as Julha (Muslim) caste. Even school record of the petitioner, his brother refers caste as Julha. In some records, entries of only Musalman is referred. Vigilance is also not conducted.

2. Mr.Patil, learned Additional G.P. submits that there are no sufficient documents to direct the vigilance enquiry. Affinity has been conducted by the Committee. The Committee has given detail reasoning.

3. The validity issued to the son of the petitioner may not enure to the benefit of the petitioner, as it is submitted that after invalidation of the caste claim of the petitioner, his son was issued the validity certificate, suppressing invalidation of caste claim of the petitioner.

4. Naturally the son, while prosecuting his claim with the Scrutiny Committee for validation, was required to bring to the notice of the committee about invalidation of the caste claim of the father of the petitioner. Be that as it may, there are some documents placed on record of the father of the petitioner and the brother, where in, the caste is shown to have been recorded as Julha. Naturally, vigilance ought to have been conducted regarding genuineness of the documents and thereafter decision will have to be taken.

5. In the light of above, we relegate the parties before the Scrutiny Committee. The impugned order is quashed and set aside.

6. The petitioner is relegated before the Scrutiny Committee. The Committee shall conduct vigilance and

after giving opportunity to the petitioner to put forth his say, decide the matter, afresh. In case, the petitioner is relying on some validity, the Committee is free to make enquiry in respect of the same.

7. The petitioner shall appear before the Committee on 25th March, 2019.

8. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVALÉ, J.)

(S.V.GANGAPURWALA, J.)

JPC