

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

981 WRIT PETITION NO.7811 OF 2019

**RUSHIKESH DEVRAO KHADSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : M.P.Tripathi h/f Pawar Vikas S
AGP for Respondents: K.B.Jadhavar
Adv.S.G.Karlekar for R.3.**

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

DATE : 04/07/2019

PER COURT :

The petitioner assails the order invalidating caste claim of the petitioner as Dhangar. The learned counsel for petitioner submits that the caste claim of the petitioner is invalidated without conducting vigilance. The committee relied upon the Khasra Pahani and came to the conclusion that the name Dhangar in the Khasra Pahani against name of the grand father of the petitioner is written in different ink. However, the same is not a caste but is the name of village Dhangarwadi. The father of the petitioner also studied in the school situated at Dhargarwadi. The T.C. is also produced on record. The learned counsel submits that the school entry of the petitioner's father records caste as Dhangar. There is no contra evidence on record.

2] Mr.Jadhavar, learned counsel upon instructions accepts that vigilance has not been conducted. He further submits that the petitioner has played fraud and in Khasra Pahani the word Dhangar is

written as a caste in different ink subsequently. The same has been considered by the committee.

3] The vigilance is not restricted to verification of documents but also it would conduct home inquiry wherein the statements are recorded of the villagers. The vigilance could have verified the Khasra Pahani and then would have submitted a report about the nature of the entry of "Dhangar" or "Dhangarwadi".

4] As the vigilance has not been conducted and the explanation given by the petitioner also needs to be considered, we set aside the impugned order invalidating caste claim of the petitioner and remit the matter to the committee. The committee shall direct the vigilance to be conducted with regard to the documents and the home inquiry and thereafter decide the proceedings afresh. The petitioner shall appear before the committee **on 9/7/2019**. The committee shall endeavour to decide the claim of the petitioner expeditiously considering that the petitioner is a student aspiring admission in Nursing/Pharmacy course.

5] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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