

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

937 WRIT PETITION NO.8150 OF 2019

**PREETI SIMON NAGORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Vibhute Sunil M.
AGP for Respondents: S.B.Yawalkar**

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

DATE : 04/07/2019

PER COURT :

The caste claim of the petitioner as converted Christian (OBC) is negatived. Aggrieved thereby, the present Petition.

2] Mr.Vibhute, learned counsel for petitioner submits that the claim of the petitioner is invalidated only on the ground that petitioner could not prove that his predecessors and himself are converted Christians. According to the learned counsel the grand father of the petitioner is issued with the caste certificate of Matang caste. The old record with the petitioner has been destroyed in the fire. The police has also given the report to that effect. The learned counsel further submits that the committee if was not satisfied with the documents produced on record ought to have conducted vigilance. The committee also failed its duty in referring the matter to the vigilance.

3] Mr.Yawalkar, learned Addl.Govt.Pleader submits that the petitioner has to prove his own caste. The Christian in itself is not an

OBC. It is only converted Christian. The petitioner could not prove the said fact. When there are no documents to that effect vigilance need not be conducted.

4] The vigilance also contemplates home inquiry. If prima facie with the documents the committee is not convinced, the committee can make further inquiry referring the matter to the vigilance. In such case, home inquiry shall also be relevant. The petitioner produced caste certificate of his grand father of Matang caste. The Tahsildar and the Taluka Executive Magistrate issuing caste certificate have observed that the T.C. was produced. The committee can direct vigilance to visit the said office of the Tahsildar and verify the documents.

5] Considering that the matter involves social status of the petitioner, we are inclined to grant one more opportunity and also direct the committee to conduct vigilance.

6] In light of the above, impugned order is quashed and set aside. The matter is remitted to the committee for deciding it afresh. The committee shall refer the matter to the vigilance who shall also conduct the home inquiry alongwith verification of the other documents such as caste certificate of the grand father produced by the petitioner and the documents referred thereto. The petitioner shall appear before the committee **on 8/7/2019**.

7] Writ Petition is accordingly disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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