

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

38 WRIT PETITION NO.9992 OF 2018

BALIRAM BHARAT POLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Gaikwad Sanjay N
AGP for Respondents State: Mr. P. S. Patil

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

DATE : 19th March, 2019

PER COURT :

1. Caste claim of the petitioner as belonging to Hatkar N.T. is invalidated. We have heard learned Advocate for the petitioner and learned A.G.P.

2. After the judgment is delivered by the Committee, the petitioner, in the present writ petition, has produced one school leaving certificate of his father, in which it is shown that the father has taken admission in the year 1979, where in, caste is recorded as Hatkar. The petitioner has also produced one Khasra Patrak in the name of Bajiraoji Pole showing caste as Hatkar but in the genealogy, name of the said person is not shown though the genealogy is filed from the period of great grandfather of the petitioner. The Vigilance did not have opportunity to consider the school record of the father of the petitioner so also

relation of the petitioner as shown by the petitioner with Bajiraoji. There does not appear to be any contra evidence.

3. Considering the above, we are inclined to grant one more opportunity to the petitioner. The impugned order is quashed and set aside.

4. The petitioner is relegated before the Committee. The petitioner shall appear before the Committee on 5th April, 2019. The petitioner is at liberty to produce additional documents which will be verified by the Committee through Vigilance. The petitioner is also at liberty to file complete genealogy before the committee which would be verified by the Committee.

5. The Committee shall decide the proceeding expeditiously, preferably within six months from the date of appearance of the petitioner.

6. Writ petition is disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC