

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9278 OF 2016

Rashid Khan Shadullah Khan Pathan

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. H.I. Pathan, Advocate for Petitioner

Mr. A.B. Chate, Assistant Government Pleader for
Respondent Nos. 1 to 4

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

DATE : 11th APRIL, 2019

ORAL ORDER:

1. The caste claim of the petitioner as belonging to 'Chappar Band' (VJ) is invalidated. Mr. Pathan, the learned Counsel for the petitioner submits that the petitioner had produced the Nikahnama of the petitioner and his real uncle wherein their caste is recorded as 'Chappar Band'. The school record of petitioner, his children also records the caste as Chparband. These documents have not been considered by the Committee in its correct perspective. Even the vigilance was not conducted. The learned Counsel submits that vigilance was never conducted. In absence of the vigilance report, the claim of the petitioner is invalidated.

2. The learned Assistant Government Pleader submits that no credible documents were produced by the petitioner. In view of that, the vigilance was not necessary to be conducted.

3. We have considered the submissions. The petitioner had produced the Urdu documents i.e. the Nikahanama of his uncle and of himself. In fact, the Committee ought to have verified the veracity of the documents and its genuineness through vigilance. Vigilance is not conducted in the matter.

4. Considering the above, it will be appropriate to remit the matter back for reconsideration by the Committee after conducting the vigilance. The petitioner shall also produce the true translation of the Urdu documents along with the affidavit of the translator.

5. The impugned order is quashed and set aside. The parties are relegated before the Committee. The parties shall appear before the Committee on 25th April, 2019.

6. The Committee shall refer the documents produced by the petitioner to the vigilance, get the report of the vigilance and the say of the petitioner and after hearing the petitioner, decide the proceedings afresh expeditiously, and preferably within a period of six months from the date of appearance of the petitioner.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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