

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**WRIT PETITION NO.10142 OF 2018****PATHAN MUZAMMIL KHAN ZAKER KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS****...****Advocate for Petitioner : Pathan Tahiwarkhan Wajeedkhan****AGP for Respondents: P.K.Lakhotia****Advocate for Respondent no.3 : S.G.Karlekar****-----****CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.****DATE : 18/06/2019****PER COURT :**

The caste claim of the petitioner as Chapparband (V.J.) is invalidated. Aggrieved thereby, the present petition.

2] The learned advocate for the petitioner submits that in the petitioner's cousin grand father's school record caste is recorded as Chapparband. The same is an old record of the year 1947. By mistake in the school record of the petitioner the caste is mentioned as Tadvi by the Head Master. The school record of the petitioner's brother records caste as Chapparband. The genealogy is on record.

3] The learned AGP submits that contra evidence is on record. In view of the contra evidence, the caste of the petitioner has been rightly negated. The document of Hamidkhan was never filed before the committee. The relationship is not established.

4] It appears that in the genealogy Hamidkhan is shown as a

cousin grand father. Apart from the genealogy there is nothing on record to establish relationship. It is submitted that the affidavit is filed by Hamidkhan subsequent to the decision. Unless the relationship is established the documents of Hamidkhan cannot be relied upon.

5] We are inclined to give one more opportunity to the petitioner only because record of Hamidkhan is of the year 1947. The vigilance may make inquiry with regard to relationship of Hamidkhan with the petitioner and also of the other persons.

6] In light of the above, impugned judgment and order is set aside. The matter is remitted to the Committee. The petitioner shall appear before the Committee **on 20/06/2019**. The committee shall ascertain relationship of Hamidkhan with that of the petitioner, if required may direct vigilance also to confirm the relationship. Thereafter shall decide the proceeding expeditiously considering that the petitioner is desirous of taking admission to the professional MBBS course. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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