

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

53 WRIT PETITION NO.10336 OF 2018

RUPALI YADAV JAHIR  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Patale Amol N.  
AGP for Respondents/State : Mr. K.B. Jadhavar

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**CORAM : S.V. GANGAPURWALA &  
MANGESH S. PATIL, JJ.**  
**DATE : 23.07.2019**

**P.C. :-**

The caste claim of the petitioner has been invalidated.

2. The petitioner claims to belong to Holer S.C. The learned counsel for the petitioner submits that the school record of the petitioner, his brother and sister records caste as Holer. The school record of the cousin grandfather of the petitioner namely Gangadhar also records caste as Holer. The learned counsel submits that the vigilance has not been properly conducted only a statement of the Gramsevak has been recorded.

3. The learned A.G.P submits that in the school record of the cousin grandfather of the petitioner Gangadhar the caste is recorded as Maratha. In the school record of the petitioner the caste is recorded as Dhangar. The

vigilance has considered the said aspect.

4. We have considered the submissions. The school record of the real brother and sister of the petitioner records caste as Holer. In case of petitioner the caste appears to have been recorded as Dhangar but subsequently corrected as Holer. In respect of the cousin grandfather the vigilance has found that the entry of caste Holer appears to be in different ink.

5. On going through the vigilance, it does not appear that home inquiry has been conducted. In such borderline cases at least the home inquiry ought to have been conducted that would aid the committee in arriving at the just conclusion.

6. In light of the above the impugned order is quashed and set aside. The committee shall direct home inquiry to be conducted and shall thereafter decide the proceeding afresh preferably within three months after hearing the parties and considering the aforesaid directions. The matter is remitted to the committee.

7. Considering that the petitioner is aspiring for admission to B.A.M.S. course for which the last date for submitting the validity is 31.07.2019 the committee may endeavour to decide the same on or before

31.07.2019. The petitioner shall appear before the committee tomorrow i.e.

24.07.2019. Writ petition is disposed of. No costs. Authenticate copy to the parties.

**[MANGESH S. PATIL, J.]**

**[S.V. GANGAPURWALA, J.]**

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