

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10409 OF 2018

MOHAMMAED ADIL MOHAMMED JAMEEL
THROUGH HIS GUARDIAN MOHAMMED JAMEEL MOHAMMED
ISMAIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. A. R. Tapse h/f. Mr.
Suryawanshi Prashant D. and Mr. Tawre Bappasaheb N
AGP for Respondents : Mr. K. B. Jadhavar

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 23rd SEPTEMBER, 2019

PER COURT:

1. The caste claim of the petitioner as Julaha, Other Backward Class is negatived.

2. The learned counsel for the petitioner submits that there is not a single contra evidence on record. The committee on the ground that the record produced by the petitioner is of recent origin has negatived the caste claim. The petitioner has produced the photocopy of the Nikahnama of the grandfather of the petitioner, the same is of the year 1966. In the said

Nikahnama caste of the grandfather of the petitioner is shown as Julaha. The translation of the same is also produced, however vigilance has not been conducted nor the document has been referred to in the Judgment.

3. The learned A.G.P. submits that the petitioner had not produced the original Nikahnama. The authenticity of the photocopy also was not established.

4. We asked the learned counsel for the petitioner as to whether the petitioner is in possession of the original Nikahnama of his grandfather, the learned counsel submits that the petitioner has the original Nikahnama of the photocopy that has been produced. The learned counsel submits that the petitioner be given one more opportunity to place the original Nikahnama before the committee.

5. In the light of above, we pass the following order.

6. The impugned order is quashed and set aside. The parties are relegated before the Scrutiny Committee. The parties shall appear before the Scrutiny Committee on 07.10.2019. The petitioner may produce the original Nikahnama of which the photocopy is produced. The Scrutiny Committee may direct vigilance to be conducted of the said document. The petitioner is also entitled to prove genuineness, authenticity of the said document. The committee shall, thereafter, decide the proceedings afresh preferably within a period of four (04) months from the date of appearance of the petitioner.

7. Writ Petition stands disposed of accordingly.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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