

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

WRIT PETITION NO. 12002 OF 2018

Alfred S/o. Robert Jacob Petitioner
Versus
The State of Maharashtra & Ors. Respondents

.....
Shri. Sandesh R. Patil, Advocate for the petitioner
Shri. P. S. Patil, AGP for respondent/State
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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 1ST MARCH, 2019

ORAL ORDER:

1. The petitioner claims to be converted Christian (OBC). The said claim has been invalidated by the Committee. Aggrieved thereby the present petition.

2. Shri. Sandesh Patil, learned counsel for the petitioner submits that, the petitioner could get the document of his Baptism done on 20.08.2000 so also now could get the school record of the father of the petitioner wherein he had taken admission on 20.06.1973 and the caste is recorded as Christian. The learned counsel submits that the vigilance is not conducted and no proper opportunity was given to the petitioner.

3. Shri. P. S. Patil, learned Assistant Government Pleader submits that, the petitioner could not prove that he is a converted Christian and also there was not a single document before the Committee. As the documents were not there, the question of conducting vigilance did not arise.

4. The petitioner now in the present petition has produced two documents viz. (i) Baptism effected of the petitioner on 20.08.2000 and (ii) the secondary school record of the petitioner's father wherein admission is shown to have been taken 20.06.1973 and the caste is recorded as Christian. Thus, the genuineness of these documents will have to be verified by the vigilance.

5. Moreover, the Committee will have to consider the case from the point of view whether the petitioner is a converted Christian. The Home Inquiry will be required to be conducted in that regard. The Scrutiny Committee shall consider the case of the petitioner as to whether the petitioner is a converted Christian and the period when the ancestor of the petitioner converted to Christianity. The said aspect will have to be considered by the Committee and then take decision on the claim of the petitioner on its own merits.

6. In the result, the impugned order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the committee on 18.03.2019. The Committee shall decide the proceedings afresh by considering the facts referred to supra. The petitioner is at liberty to produce the additional documents.

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

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde