

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
927 WRIT PETITION NO.13755 OF 2018**

NAJEMA HAMID ANSARI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Deepak K. Rajput, Advocate for the Petitioner.
Mr. P. S. Patil, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.
DATED : 14th MARCH, 2019.**

PER COURT:-

1. The learned counsel for the petitioner submits that the caste claim of the petitioner of Momin is invalidated without conducting vigilance. The Nikah-Nama of the grandfather of the petitioner dated 04.05.1953 records caste as Momin. The old document will have more probative value. The school record of the petitioner and his sister also records caste as Momin. There is no contra evidence on record. No opportunity was given by the Committee to produce the documents. The petitioner could get the additional documents that is avocation of grandfather of the petitioner. The same would also assist in arriving at the conclusion about the caste of the petitioner.

2. The learned A.G.P. submits that as there was no documentary evidence on record, the vigilance was not required to be conducted.

3. It appears that the old document was produced by the petitioner that is copy of the Nikah-Nama of his grandfather showing the caste Momin. The genuineness of the documents ought to have been verified by the Committee.

4. We did not find any contra evidence on record. If the genuineness of the documents are verified, then it would assist the Committee in arriving at the just conclusion.

5. In the result the impugned order is quashed and set aside. The petitioner is relegated before the Committee. The petitioner shall appear before the committee on 02.04.2019 and may produce the original copy of the Nikah-Nama of his grandfather. The Committee shall verify the genuineness of the documents produce by the petitioner. The petitioner may produce additional documents. The Committee shall thereafter, decide proceedings afresh on its own merits, preferably within a period of six (06) months from the date of appearance of the petitioner.

6. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE