

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
62 WRIT PETITION NO.4621 OF 2018**

NASIR HUSSAIN MULANI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Narayan B. Narwade, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. Yogesh B. Bolkar, Advocate for Respondent Nos.4 and 5.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 6th MARCH, 2019.

PER COURT:-

1. The petitioner assails the validity certificate issued in favour of respondent nos.4 and 5.

2. Mr. Narwade, learned counsel for the petitioner submits that there are contra entries on record. The committee while issuing the validity certificates in favour of respondents has not considered the contra evidence on record. The respondent nos.4 and 5 claim to belong to Mujawar (O.B.C.). The school record of respondent no.4 records caste as Musalman and sub-caste as Sunni. The caste as Mujawar is not recorded. Even in respect of the documents of the brother of respondent nos.4 and 5 i.e. the school record, caste is recorded as Musalman. This contra evidence has not been taken into consideration.

The vigilance has been conducted in a mechanical manner and printed forms are filled in. No proper consideration has been given to the contra evidence on record.

3. We have also heard Mr. Bolkar, learned counsel for respondents.

4. The reopening of the proceedings would be either on the ground of fraud or misrepresentation. The entry of Musalman in the school record cannot be said to be a contra entry. The Muslim is a religion. Sunni is a sect. The caste Mujawar is on the basis of the profession. The committee has also relied upon the validity certificate issued in favour of nephew of respondent nos.4 and 5. The school record of respondent no.4 records caste as Mujawar, so also respondent no.5 school record records caste as Mujawar.

5. The home enquiry has been conducted and also relied upon by the Committee. The home enquiry is also in favour of respondent nos.4 and 5.

6. In light of the above, no case for interference is made out. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE