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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1464 OF 2019

Mohd. Faizan Mohd. Iqbal

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Pravin B. Rakhunde, Advocate for the petitioner
Mr. P. N. Kutti, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.]

DATE : 14th DECEMBER, 2020

ORDER :

1. Heard learned advocates for the appearing parties.
2. Petitioner is before this court aggrieved by negation of his caste to be "*momin*" and thus, refusal to validate certificate issued by competent authority, under order dated 13th August, 2018.
3. The petitioner has placed on record, along with affidavit of his father who is descendant of Mohd Sab s/o Mohd. Nijam, genealogy showing relationship with Mohd. Idrees s/o Mohd Haroon, a descendant of Mohd. Sab s/o Nijam Sab and three validity certificates of descendants' of said Mohd. Sab s/o Nijam

Sab viz., Abdul Raheman s/o Mohd. Sab and Abdul Gaffar namely Shaikh Abdul Raheman Shaikh Abdul Gaffar, Shaikh Abdulla Abdul Gaffar and Akhatrunnisa Begum Abdul Gaffar.

4. Though genealogy is on record under affidavit of father of the petitioner before the committee and the committee has referred to these validity certificates at serial No. 10, 13, 14 and 15, very cursorily, as it would emerge, has declined to rely on the same referring to that relationship cannot be established. Whereas it is considered that word "*momin*" appears to have been written in different ink in school record. Rest of the documents were not relied on referring to that those are of recent origin.

5. From aforesaid it emerges that the committee has absolutely failed to apply its mind and take into account validity certificates placed on record by the persons referred to above with their genealogy showing their relationship.

6. In the circumstances, though learned AGP purports to resist, it appears to be a clear case of perfunctory approach and non application of mind and, thus, the impugned order is liable to be set aside.

7. Writ petition, therefore, is allowed in terms prayer clause

“C”. Petitioner’s caste claim stands revived and restored before the committee for re-decision giving opportunity afresh to the petitioner. Since urgency has is stated to have been assumed, as petitioner’s further education is at stake, it would be expedient if the committee goes on with the proceedings in right earnest and decides the same within a period of four weeks from the date of receipt of writ of this order.

8. Writ petition is accordingly disposed of.

9. Record be sent back immediately.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE