

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

WRIT PETITION NO.6848 OF 2016

Jikare Ansar Ayub
Age 19 years, Occ. Student
r/o Near Abhinav English School,
Galib Nagar, Osmanabad.
Tq. & Dist. Osmanabad.

...Petitioner

Vs.

1. The State of Maharashtra
Through the Secretary
Social Justice & Welfare Department,
Mumbai
2. The Member Secretary
and Research Officer,
Divisional Caste Certificate
Scrutiny Committee,
Aurangabad Division Committee No.2,
Latur.
3. The Principal of
Jaywantrao Sawant College of Engineer
at Hadapsar, Pune Tq. & Dist. Pune.

...Respondents

...
Advocate for Petitioner : Shri G. N. Chincholkar
AGP for Respondents No.1 and 2 : Shri G. O. Wattamwar
...

**CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.**

DATE : 03rd MARCH, 2020

ORAL JUDGMENT [PER : SUNIL P. DESHMUKH, J.] :

1. Rule. Rule made returnable forthwith. Heard learned
counsel for the appearing parties finally, by consent.

2. Petitioner claims to be from *Julah* community of Other Backward Class category and has been recipient of certificate issued from competent authority to that effect. While the certificate had been submitted for verification before Caste Scrutiny Committee – respondent No.2, the same has been rejected and confiscated with direction to cancel his admission to Government Polytechnic, Osmanabad. Thus, this writ petition, challenging said order. Under an interim order petitioner appears to have completed his Diploma in Government Polytechnic College, Osmanabad.

4. Learned counsel Shri G. N. Chincholkar appearing for petitioner submits that impugned decision of scrutiny committee is example of perfunctory approach in scrutinising claim of petitioner. There is no application of mind to the facts and circumstances of the case nor does it appear that appropriate legal aspects have been examined. He submits that evidence of entries in admission register of school and the leaving certificate of petitioner have been refused to be considered solely on the ground that those are of the recent origin. Whereas, his father's school leaving certificate had not been considered stating that it did not refer to community. He submits that, however, evidence in the form of validity certificate issued by the scrutiny committee to his uncle and near cousin, despite genealogy, has been declined to be considered for the

reason that their relationship with petitioner could not be established.

5. Learned Assistant Government Pleader, purports to support the order referring to that there is no strong evidence to show that petitioner belongs to *Julah* community and most of the documents are of recent origin and his father's record does not depict his community which petitioner claims to be belonging to.

6. Perusal of decision by scrutiny committee would reveal that majority of documents have been declined to be considered either of being recent origin or for that father's record does not bear the claimed community. It surfaces that while genealogy has been presented by petitioner before the committee, the same has not at all been considered. Although, such presentation has been accepted, yet, committee goes on to observe that relationship among validity holders and petitioner cannot be believed. The genealogy does not appear to have been suspected or doubted. There is no plausible reason given as to why genealogy has not been considered. Additionally contention that vigilance cell report has not been considered by the committee, carries a lot of substance.

7. In the circumstances, it appears that the decision of the

committee lacks proper application of mind to the claim made by petitioner.

8. We, therefore, deem it expedient to set aside decision dated 09-02-2016 by Caste Scrutiny Committee No.2, Latur, reviving claim of petitioner for re-consideration, taking into account genealogy as well as relationship between validity holders and petitioner. It is open for petitioner, if he desires, to give further evidence in the matter.

9. Rule made absolute accordingly. Writ petition is disposed of.

(B. U. DEBADWAR, J.)

(SUNIL P. DESHMUKH, J.)

SVH