

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

45 WRIT PETITION NO.1255 OF 2011

WITH

CIVIL APPLICATION NO. 2630 OF 2020
IN WP/1255/2011

SANTOSH UTTAMRAO DANGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner/Applicant : Mr. Sunil M. Vibhute.

AGP for Respondent/State: Mrs. M. A. Deshpande.

Advocate for Respondent No.4 : Mr. Kishor C. Sant.

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CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 04th October, 2021.

PER COURT:

. Mr. Vibhute, learned counsel for petitioner submits that except one contra evidence in the school record of the father of the petitioner, all other documentary evidence stands in favour of the petitioner recording caste as Rajput Bhamta. The learned counsel submits that the affinity is not conducted. The home inquiry supports the case of the petitioner. In that event, the Committee ought to have validated the caste claim of the petitioner as Rajput Bhamta.

2 The learned AGP submits that the oldest school record is of the father of the petitioner. The same records the caste as Maratha.

The same is contra entry. Even the school record standing in the name of the petitioner is interpolated. In some cases, the word “Rajput Bhamta” appears in different ink. In some, the entry is only “Rajput” and the word “Bhamta” is added subsequently. The Committee has considered each and every document and has arrived at the conclusion. The father’s second cousin is Bapurao. His school record also records the caste as Maratha. All these aspects have been considered by the Committee. At the relevant time, there were no rules framed and as such the affinity was not conducted. No error is committed by the Committee while passing the impugned order.

3 It appears from the judgment that the vigilance had conducted home inquiry and the said home inquiry appears to be supporting the case of the petitioner. The affinity is not conducted nor opinion of the Research Officer finds place in the vigilance report. There are contra documents on record. In that case, affinity also would be relevant.

4 In light of that, we pass the following order:

ORDER

- I. The impugned order is quashed and set aside.
- II. The parties are relegated before the Committee.

- III. The petitioner shall appear before the Committee on 26th October, 2021.
- IV. The Committee may direct conduct of affinity test and thereafter, decide the proceeding afresh preferably within a period of four months from the date of appearance of the petitioner.
- V. With the aforesaid observations, the writ petition is disposed of. No costs.
- VI. In view of disposal of the writ petition, the civil application also stands disposed of.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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