

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

937 WRIT PETITION NO.4212 OF 2021

KHANDERAO LIMBAJI KACHAVE AUTHORITY HOLDER

MAHESHSINGKHANDERAO KACHAVE

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Bayas Anandsingh

AGP for Respondents/State: Mr. A. R. Kale

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 9th March, 2021

P.C. :

. The learned counsel submits that the petitioner had submitted the genealogy before the committee. The committee has returned the proposal without verifying the caste claim on three grounds;

(i) The affidavit disclosing the genealogy is not filed.

(ii) The documents of the petitioner, his grandfather, great grandfather, cousins prior to 1950 is not filed.

(iii) The school record, the revenue record of 1954 to 1955 is not filed.

2. The learned counsel submits that the petitioner has filed all the documents, on which, the petitioner relies to prove his caste

claim. The genealogy is also filed coupled with affidavit. The petitioner is claiming his caste as from VJ category.

3. The Committee has to decide the claim/proposal received by it on the basis of the documents filed before it. The committee has to arrive at the subjective satisfaction based on objective assessment of all the documents before it. It cannot refuse to entertain the proposal for verification of the caste claim only on the ground that a document prior to the notification declaring the caste to be VJ is not available. All other attending documents are required to be considered by the committee.

4. In light of that, we set aside the impugned order and direct the committee to verify the proposal submitted by him on the basis of documents filed by the petitioner on its own merits in accordance with law and as per the procedure. The said proceeding shall be completed expeditiously and preferably within a period of six months from today.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)