

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

**WRIT PETITION NO.5080 OF 2013
WITH CA/2717/2021 IN WP/5080/2013**

DEEPAK BHAGWAT JAGTAP ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**AND
WRIT PETITION NO.13500 OF 2021**

YASHODEEP DEEPAK JAGTAP ..PETITIONER

VERSUS

STATE COMMON ENTRANCE TEST CELL & ORS.
..RESPONDENTS

...

Mr. Mahesh S. Deshmukh, Advocate for the
Petitioners.
Mr. P. S. Patil, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 07th DECEMBER, 2021.

PER COURT:-

1. The petitioners in these writ petitions are father and son. Their caste claim as belonging to 'Thakur', Scheduled Tribe is invalidated.

2. Mr. Deshmukh, learned counsel for petitioners submits that, second degree cousin of the petitioner was issued with the validity certificate. In the present case, the entry in the

school record of the cousin grandfather of the petitioner namely Manik Damu Jagtap of the year 1937 depicting caste as 'Hindu Bramhabhat' was relied. No proper opportunity was given to the petitioner to put forth the stand. It was at the eleventh hour the copy of the same was given to petitioners. The petitioners also on the date the judgment was delivered had produced the copy of the birth extract of the said Manik Damu Jagtap where the caste is recorded as 'Thakur'. The petitioner in Writ Petition No.13500/2021 is exploring possibility of admission to the professional course pursuant to the MH-CET examination. The learned counsel further submits that, school records of other paternal relatives of petitioners record caste as 'Thakur' except the entry in the school record of Manik Damu Jagtap. There is no other contra entry.

3. Mr. Patil, learned A.G.P. submits that, the petitioner produced birth extract of Manik Damu Jagtap on the date the judgment delivered by the Committee. There was no time for the Committee to conduct vigilance in respect of the said document. The Committee has considered all the aspect of the matter and has decided it.

4. The Committee was required to decide the validation proceeding in respect of the caste claim of the petitioner in Writ Petition No.13500/2021 within a stipulated period, as the said petitioner

was exploring possibility of admission to the professional course. The Committee found the document in the name of the cousin grandfather of the petitioner of the year 1937 that is school record of Manik Damu Jagtap depicting caste as 'Bramhabhat'.

5. It is contended by Mr. Deshmukh, learned counsel for petitioners that, the copy of the birth extract of Manik Damu Jagtap was produced before the Committee. It appears that, the same was produced on the date the Committee delivered the judgment. The Committee also did not get proper opportunity to conduct vigilance of the said document. Of course, if the said document is an old document, it would have an evidentiary value.

6. In light of that, to give proper opportunity to the parties, we relegate the parties to the Committee.

7. The judgments of the Committee in both the writ petitions are quashed and set aside.

8. The parties are relegated before the Committee. The parties may appear before the Committee on 09.12.2021.

9. The Committee may conduct vigilance in respect of the document produced by petitioners that is birth extract of the Manik Damu Jagtap.

After the vigilance is conducted in respect of the said document, the petitioners be given opportunity to file say. The Committee shall thereafter decide the said proceeding on its own merits, in accordance with law and preferably within a period of 15 days from the date of appearance of petitioners.

10. Writ Petitions are disposed of. No costs.

11. In view of disposal of Writ Petition, Civil Application NO.2717/2021 is disposed of.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE