

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

969 WRIT PETITION NO.8087 OF 2019

MAHESH MANMATH MAGNALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sandeep B. Sontakke.

AGP for Respondent/State: Mr. S. G. Karlekar.

Advocate for Respondent No.3 : Mr. U. S. Malte.

...

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

DATE : 11th August, 2021.

P.C.:

. The caste claim of the petitioner is invalidated. Aggrieved thereby, the present petition.

2 Mr. Sontakke, learned counsel for petitioner submits that the first paternal cousin of the father namely Manisha Nagnath Mangnale is issued with the validity certificate of "Wani" OBC. The same has not been considered by the Committee only on the ground that the genealogy has not been proved by the petitioner.

3 The learned counsel submits that in the present writ petition an affidavit is filed by Manisha Nagnath Mangnale showing the

correct genealogy and she has admitted that the father of the petitioner is the son of the real uncle of Manisha Nagnath Mangnale. The learned counsel submits that when the paternal cousin of the petitioner is issued with the validity certificate, the petitioner also deserves to be issued with validity certificate.

4 The learned Additional Government Pleader submits that the petitioner could not prove his relationship with Manisha. The genealogy filed by Manisha in her validation proceeding does not disclose the branch of the petitioner or is father. The petitioner could not prove the relationship with Manisha. There are no other documentary evidence placed on record inspiring confidence. The Committee has rightly negated the claim of the petitioner.

5 We have considered the submissions canvassed by the learned counsel for parties. On the basis of genealogy placed on record before the Committee, the Committee did not commit error in not relying upon the same. The genealogy submitted by Manisha during her validation proceeding does not disclose that the father of the petitioner was the first cousin of Manisha. In the present writ petition, an affidavit has been filed by Manisha Nagnath Mangnale affirming the contentions of the petitioner that Manisha is the first paternal cousin of his father.

6 The said aspect will have to be proved by the petitioner before the Committee. Naturally, the Committee can also conduct vigilance in respect of the same to arrive at the conclusion.

7 In light of the affidavit filed by Manisha Nagnath Mangnale in the present writ petition, we grant one more opportunity to the petitioner to prove his claim.

8 In light of the above, we pass the following order:

ORDER

- I. The impugned order is quashed set aside.
- II. The parties are relegated before the Committee.
- III. The petitioner shall appear before the Committee on 8th September, 2021.
- IV. The petitioner is at liberty to place on record the document and/or affidavits to prove the relationship of the petitioner with Manisha Nagnath Mangnale.

V. The Committee may conduct the vigilance and record the statements so as to ensure the credibility of the statement of the petitioner and Manisha Nagnath Mangnale about their relationship as paternal cousin and take decision afresh.

VI. The said decision may be taken preferably within six months from the date of appearance of the petitioner.

VII. The writ petition accordingly disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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