

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1020 WRIT PETITION NO.13806 OF 2021

YOGESHSINGH YUVARAJSINGH PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. A.R. Tapse, Advocate for the petitioner.
Mr. S.K. Tambe, AGP for the respondent/State.

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CORAM : S.V. GANGAPURWALA
AND
S.G. DIGE, JJ.

DATE : 10th DECEMBER, 2021

PER COURT :-

1. The caste claim of the petitioner as belonging to "Rajput Bhamta" V.J.A. is invalidated. Mr. Tapse, learned advocate for the petitioner submits that the Committee had asked the petitioner to prove the relationship with Bhagirathsing, however, the petitioner could not place on record the relevant facts. The matter was decided by the Committee. The learned advocate submits that the petitioner's cousin grand-father namely Lachansing is also issued with the validity certificate of Rajput Bhamta. However, the petitioner was not aware of the said fact and the petitioner could not place on record the said documents. The petitioner be given an opportunity to place on record the said documents and to prove the relationship of the petitioner with Bhagirathsing.

2. We have heard the learned A.G.P.

3. It appears that the petitioner did not prove the relationship with Bhagirathsing. The petitioner claims to be in possession of the validity certificate issued to his cousin grand-father, naturally, if the validity is issued to the cousin grand-father the same may be a relevant fact. The Committee will have to consider the manner in which the validity is issued to the said cousin grand-father. All these aspects will have to be considered by the Committee.

4. Considering that the matter pertains to the social status of the Petitioner, we are inclined to grant one more opportunity to the petitioner.

5. In the light of that, we pass the following order :-

ORDER

(i) The impugned judgment and order is quashed and set aside.

(ii) The parties are relegated before the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee on 22nd December, 2021. The petitioner shall place on record the additional documents on which the petitioner

seeks to rely. The Committee may if it considers fit may conduct vigilance in respect of the documents produced by the petitioner and if the validity certificate is produced, the Committee naturally would consider the relationship and the manner in which the validity certificate is issued to his cousin grand-father. The Committee shall take decision afresh, within six months from the date of appearance of the petitioner.

6. The Writ Petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)

SGA