

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14545 OF 2021

MOHAMMAD SAAD SALIM SHAHA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Javed Abdul H. Deshmukh
AGP for Respondents: Mr. S.K. Tambe.

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

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. The tribe claim of the petitioner as “Chhaparband” VJ is invalidated.
2. The learned counsel for the petitioner submits that paternal relatives of the petitioner have received the validity certificate, but the Committee declined to issue validity certificate to the petitioner, as petitioner could not prove the relationship. The learned counsel submits that opportunity was not given to the petitioner to prove the relationship. According to learned counsel for the petitioner, if validity is issued to the nearest relatives of the petitioner, then the same would be a relevant fact.
3. Considering that the matter involve social status of the petitioner, we are inclined to grant one more opportunity to the petitioner to prove his claim.
4. In the light of the above, we pass the following order.

:: ORDER ::

- (I) The impugned judgment of the Committee is quashed and set aside.

- (ii) The parties are relegated before the Committee.
 - (iii) The petitioner shall appear before the Committee on 28-12-2021. The petitioner may place on record the additional documents, if petitioner so chooses to prove the relationship as claimed by the petitioner.
 - (iv) The Committee shall make an endeavour to take decision in the proceeding of the petitioner expeditiously and preferably within a period of one (01) month from the date of appearance of the petitioner before Committee.
 - (v) The petitioner shall co-operate with the Committee in expeditious disposal of the proceeding.
5. Writ petition is disposed of accordingly. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE