

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 WRIT PETITION NO.185 OF 2022

SANJEEV ASARAM SULANE
VERSUS
DISTRICT COLLECTOR AND ANOTHER

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Advocate for Petitioner : Mr. Mahesh S. Deshmukh
AGP for Respondents : Mr. A.R. Kale
Advocate for Caveator original complainant : Mr. M. K. Bhosale

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

DATE : 5th JANUARY, 2022

PER COURT :-

1. Mr. Deshmukh, learned counsel for the petitioner submits that the petitioner did not get proper opportunity to establish the relationship with the validity holders relied upon by the petitioner. The notice was not issued by the Committee calling for explanation as required under the Act and Rules. According to learned counsel for the petitioner, he has filed the affidavits of the validity holders wherein they have specifically accepted the relationship of the petitioner with them.

2. Earlier the validity was granted to the petitioner. The said validity was granted on the basis of validity issued to the paternal relatives of the petitioner. Now, while invalidating the claim of the petitioner, the reason is given that relationship is not proved. The petitioner be given one more opportunity to prove the relationship.

3. Mr. Bhosle, learned counsel for original complainant submits that ample opportunity was given to the petitioner. The petitioner has filed say to the vigilance report. The vigilance report opined that petitioner could not prove relationship with those persons, to whom the validities

are issued. In view of that, the petitioner does not deserve to be granted any further opportunity. The Committee has considered the relevant documents placed by the petitioner, the vigilance report and rightly arrived at the conclusion while invalidating the claim of the petitioner.

4. We have heard the learned AGP

5. The caste claim of the petitioner Rajput Bhamta VJ has been invalidated.

6. Limited prayer made before us is that the petitioner may be given opportunity to prove the relationship. The matter pertains to social status. The petitioner is relying upon the validity certificates issued to that persons to whom the petitioner claims to be his relatives. Naturally it is for the petitioner to establish relationship with those persons. The burden lies upon the petitioner to establish the relationship.

7. Considering the above, we are inclined to grant opportunity to the petitioner to establish the relationship with the persons whom the petitioner claims to be his relatives. In view of that, we pass the following order.

ORDER

- (i) The impugned order is set aside.
- (ii) The parties are relegated before the Committee.
- (iii) The parties shall appear before the Committee on 07-01-2022.
- (iv) The petitioner may place on record such documents as petitioner may deem fit to prove the relationship. Thereafter, the Committee may take

decision upon the claim of the petitioner on its merits, in accordance with law and policy and if it is possible for the Committee the same shall be decided before 16th January, 2022.

- (v) It is made clear that we have not opined on merits of the matter.

8. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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