

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 WRIT PETITION NO. 622 OF 2022

ANUJA SHIVLING DAMAYYAWAR AND ANOTHER
VERSUS
STATE COMMON ENTRANCE TEST CELL THROUGH ITS
COMMISSIONER AND COMPETENT AUTHORITY AND OTHERS

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Advocate for the petitioners : Mr. Mahesh S. Deshmuh h/f
Mr. Sagar S. Phatale

Addl. GP for Respondent Nos.2 and 3 : Mr. S.B. Yawalkar

Advocate for Respondent No. 1 : Mr. Deepak chavan h/f
Mr. M. D. Narwadkar

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

DATE : 27th JANUARY, 2022

PER COURT :-

1. Caste claim of the petitioners is invalidated. Amongst other submissions, one of the submission of the learned Advocate for the petitioner is that one old document of the year 1952, Shikhmi register was relied upon by the petitioners. The said document is in Urdu. The Vigilance took the aid of one Urdu teacher from Zilla Parishad High School, Kundalwadi, District Billoli, namely, Jiyauddin Irfan M. A. Gafar, who was asked to read over the document and vigilance opined that according to him, some of the words are inserted subsequently and are of recent period. The original was not shown. It was only the photocopy and that was shown to the petitioners. No opportunity was given to the petitioners to go through the statement of said Urdu teacher. The learned counsel for the petitioners submits that no opportunity was given to the petitioners to confront the said document with Urdu teacher.

2. The relationship of the petitioners with other validity holders is disputed by the learned AGP.
3. It is for the Committee to consider the said aspect.
4. Of course, other evidence is also required to be considered along with it. As limited prayer is made that opportunity be given to the petitioner, we have not considered other entries and contentions raised.
5. The impugned judgment is set aside. The parties are relegated before the Committee. The Committee may call for the original document from Tahsil Office i.e. 1952 Shikmi Register relied upon by the parties and considered by the Committee in the Judgment. The said Urdu teacher be also called so as to enable the petitioners to confront the said document with him.
6. The petitioners may appear before the Committee on 28th January, 2022. Necessary steps be taken by the Committee, considering the last date i.e. 7th February, 2022 for admission to the Medical Course. The Committee may endeavour to decide the said proceeding, expeditiously, preferably on or before 7th February, 2022.
7. Save and except for the said document, there is no need to conduct fresh vigilance.
8. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE