

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8450 OF 2022

AMOL PANDURANGSING PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Deshmukh Bhausahab Sadashivrao
AGP for Respondents-State: Mr. P. S. Patil

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 12th December, 2022

PER COURT :

1. The petitioner has put forth prayer clause - (A) as under;

“(A) Issue Writ of Certiorari and or appropriate Writ or order in the like nature thereby quash and set aside impugned order passed by respondent no.2 the District Level Caste Certificate Verification Committee Jalna, dated 31.05.2022, thereby invalidating Caste claim of petitioner being “Rajput Bhamta” Vimukta Jati (A) caste and further direct respondent committee to issue validity certificate in favour of petitioner forthwith.”

2. On 28.09.2022, when we had heard the submissions of the learned Advocates for the respective sides, we had observed in Paragraph Nos.3 & 4 as under:-

“3. The petitioner has claimed relationship with 2 validity holders. The genealogy tree is at page No.17 below the affidavit filed by Sachin Krushnasing Pawar, who appears to be the great grand son of Durgasingh, who is claimed to be the biological brother of the great

grand father of the petitioner. The legal relationship was not established before the Committee, as, besides the affidavit of Sachin, there was no other evidence placed before the Committee.

4. The learned Advocate for the petitioner seeks time to place on record such documents that will prove the relationship of the petitioner with Bandu Babusingh who is the great grand son of Durgasingh and Sachin who is also a great grand son of Durgasingh. The petitioner also desires to place on record the factum of her admission to the Pharmacy Course about 2 years ago, without a validity. Same is the case of the petitioner Amol Pandurang (in WP No.8450/2022) as like the earlier petitioner Sonal Pawar.”

3. On 17.10.2022, the learned Advocate for the petitioner sought time to place on record certain documents which are in the custody of the petitioner and which were not produced before the Committee, to prove the relationship amongst the members of the family tree, set out in the affidavit filed by the petitioner. Such relationship was not established before the Committee.

4. We have noticed from the family tree that Ganeshsing s/o Sardarsing Pawar and Nikita d/o Narayansing Pawar have been granted validity certificates. However, evidence to prove that the great grandfather of the petitioner, namely, Chandusing Pawar is the biological brother of Dhondusing Pawar and Ganeshsingh Pawar is the grandson of Dhondusing Pawar, was not tendered.

5. The learned advocate for the petitioner has tendered an affidavit of the petitioner – Amol describing the revenue entries of village Ghungurde Hadgaon. It is an admitted position that these documents were not placed before the Competent Committee and, therefore, the Committee did not have the opportunity to conduct a verification exercise in these documents.

6. In view of the above, we deem it appropriate to refer the matter to the Committee so as to enable the Committee to consider the additional record placed before us, which was never placed before the Committee. The Committee deserves to be granted the liberty to conduct a verification/research in the said documents and permit the petitioner an opportunity to establish his relationship with the validity holders, whose names appear in the family tree.

7. For the above purpose alone, this petition is partly allowed.

8. The impugned order dated 31.05.2022 is quashed and set aside. The proceedings pertaining to the claim of the petitioner of belonging to ‘Rajput Bhamta’ Vimukta Jati (A) stands remitted to respondent no.2’s office at Jalna. The Committee shall issue notice to the petitioner and commence the hearing in the matter. On the very first day of notice, the petitioner shall place on record all the documents that he desires to cite along with an affidavit.

9. Needless to state, the Committee shall follow the due procedure laid down in law and arrive at an independent finding supported with reasons.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

Sameer