

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.6269 OF 2021**

Sanjay Dnyadev Harale

.. Petitioner

v/s.

The State of Maharashtra & Anr.

.. Respondents

....

Mr. Dilip Shinde, for the Petitioner.

Mrs. S.S. Bhende, AGP, for State.

....

**CORAM: SUNIL B. SHUKRE &
AMIT BORKAR JJ.****DATE : 22 FEBRUARY 2022****P.C:-**

Heard.

2. Rule. Rule made returnable forthwith and heard finally by consent of parties.

3. It appears that the Petitioner's reliance upon two documents with entries of the year 1948 and 1964 standing in the respective names of Siddharaya Yashwant Kamble and Pandurang Yashwant Chambhar have been rejected by the scrutiny committee on the ground that surnames mentioned in these documents differed from

the surname of the Petitioner, thereby showing that the Petitioner had no relationship with these two persons but, it is the submission of the learned Counsel for the Petitioner that these two persons are the real cousins of the Petitioner from paternal side and some of the family members have changed their surnames from Chambhar to Kamble and Chambhar to Harale. He further submits that the Petitioner is not in possession of any documentary evidence establishing his relationship with the said two persons and if given a chance, the Petitioner would lead oral evidence before the scrutiny committee.

4. Considering the fact that the orders pertaining to issuance of validity certificate or otherwise are orders of moment, having a life changing impact, we are of the opinion that all the doors to seek justice cannot be closed for the Petitioner, especially when the Petitioner is urging before this Court that one more chance be given to the Petitioner to prove his claim, if not, by producing documentary evidence, but at least by tendering oral evidence. The learned Counsel for the Petitioner also submits that if the Petitioner succeeds in collecting some documents of relevance, the Petitioner would also submit the same for consideration of the committee.

5. In view of above, the petition is allowed. The impugned order is quashed and set aside. The matter is remanded back to Respondent No.2 Scrutiny Committee for fresh consideration of the

matter. The Petitioner is permitted to lead additional evidence, including oral evidence.

6. The scrutiny committee shall decide the caste claim of the Petitioner afresh in accordance with law, as expeditiously as possible and preferably within six months from the date of appearance of the Petitioner before him. The Petitioner shall appear before Respondent No.2 Scrutiny Committee on 1 March 2022.

7. Meanwhile, we direct that no coercive action be taken against the Petitioner in relation to his service, if not already terminated from service with Respondent No.4 till the fresh decision of Respondent No.2 Scrutiny Committee and if the decision is adverse to the Petitioner, for a further period of two weeks from the date of this decision.

8. Rule made absolute in the above terms and the writ petition is disposed of with no order as to costs.

(AMIT BORKAR J.)

(SUNIL B. SHUKRE, J.)