

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3458 OF 2019

Kisan s/o. Shrihari Atak

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Yeramwar Sushant Chandak for the Petitioner
Mr. S. B. Kalel, AGP for the State

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATED : JUNE 10, 2022

P.C.

1 Rule.

Rule is made returnable forthwith. By consent of the parties, taken up for final disposal.

2 The caste claim of the Petitioner as belonging to Thakar Scheduled Caste is invalidated.

3 Mr.Yeramwar, learned Counsel for the Petitioner submits that after invalidation of the caste claim of the Petitioner, the real uncle of the Petitioner has been issued validity certificate by the same Committee. The learned Counsel submits that before pronouncement of the

judgment, the Petitioner had filed an additional document of pre-independence era on record, wherein the caste of the grandfather of the Petitioner is recorded in the revenue record as 'Thakar'. Said document was on record however, vigilance was not conducted nor reference is made in the said judgment. The learned Counsel submits that one more opportunity be given to the Petitioner.

4 We have also heard the learned AGP.

5 As it is contended that the real Uncle of the Petitioner has been issued validity certificate after the claim of the Petitioner is invalidated, same would also be required to be considered. Of course, whether the invalidity of the Petitioner's caste claim was brought to the notice of the Authority at the time of deciding the caste claim of the Petitioner's Uncle, will have to be seen. Moreover, the pre-independence document also will have to be dealt with. Same also will have to be considered by the Committee.

6 In light of that, we pass the following order:

- a. The impugned order is quashed and set aside.
- b. The parties are relegated to the Committee.

c. The Petitioner shall appear before the Committee on 5th July 2022.

d. The Committee may conduct vigilance of the documents of pre-independence era those were filed by the Petitioner and which were not considered in the judgment.

e. The Committee shall thereafter decide the proceedings expeditiously and preferably within six months from the date of appearance of the Petitioner.

f. Even the validity of the paternal cousin of the Petitioner may considered on its own merits.

g. The Writ Petition stands disposed of.

h. No costs.

(DHIRAJ SINGH THAKUR,J.) (S.V. GANGAPURWALA, J.)