

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

WRIT PETITION NO.15504 OF 2022

Santosh s/o. Mangesh Ghogale .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

Mr. Sushant C. Yeramwar, for the Petitioner.
Mr. M. M. Pable, AGP for Respondent No.1-State.
Mrs. Anjali R. Shiledar Baxi, for Respondent No.3.

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**CORAM: S.V. GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR,J.
DATED : 20th DECEMBER, 2022.**

PC:-

Rule. Rule made returnable forthwith. By consent of the parties, the matter is taken up.

2 Amongst the other contentions, one of the contention of the learned Counsel for the Petitioner is that, the caste validity certificate issued to the cousin brother of the Petitioner, namely – Nitin R. Ghogale, is not considered by the Committee though the same was on record. Learned Counsel further submits that the Petitioner could lay his hands on the extract of the birth Registrar of the grand-father of the Petitioner. The same is of the year 1955. In the said birth extract, the, the caste of the Petitioner's grand-father is mentioned as 'Thakar'. According to the learned Counsel for the Petitioner, the same is oldest document.

3 We have heard learned AGP also.

4 It appears that Committee has not discussed about validity

certificate issued in favour of the cousin brother - Nitin Ghogale. The Petitioner has placed on record the photo copy of the birth extract in the name of one Shankar Kashinath Ghogale to demonstrate that the caste is mentioned as 'Thakar'. The Petitioner will have to produce certified copy before the Committee.

5 Considering the fact that the social status of the Petitioner is involved, we are inclined to give one more opportunity to the Petitioner.

6 In the result, we pass the following order:-

- (i) The impugned judgment and order dated 11th February, 2021 is quashed and set aside;
- (ii) Parties are relegated before the Committee;
- (iii) The Petitioner shall appear before the Committee on 5th January, 2023. Petitioner may place on record the certified copy of the birth extract, which according to the Petitioner, is in the name of the grand-father of the Petitioner. If the certified copy of the birth extract is relied by the Petitioner, is placed on record, then the Committee may direct Vigilance to be conducted in respect of the same and after obtaining the vigilance report, shall decide the matter afresh in accordance with law.

7 With these observations, Writ Petition is disposed of.

8 It is made clear that, the Petitioner will not seek further benefit of reservation until the Petitioner produced the validity certificate.

9 Writ Petition Disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(ACTING CHIEF JUSTICE)