

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

916 WRIT PETITION NO.405 OF 2023

HAJRA BEGUM SAJID RIZWAN KHAN

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. P. Kale Mahesh.

AGP for Respondent Nos.1 & 2: Mr. P. S. Patil.

...

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

DATE : 17th February, 2023.

Per Court:

1. On 6th February, 2023, we had passed the following order:-

“1. The petitioner contends that her claim of belonging to “Chapparband” caste (14), Vimukta Jati (VJ) category, has been wrongly rejected by the impugned order dated 21.11.2022.

2. The learned AGP submits that earlier there was a circular issued by the State Government by which, the people who carry the surname as “Shah” and claim to be belonging to “Chapparband” caste, were held to be entitled to the validity certificate. Subsequently, in view of the order of the High Court, the circular was withdrawn. This Court (Coram: Ravindra V. Ghuge and S.G.Mehare, JJ), has delivered the judgment in Writ Petition No.11863/2015 (*Ku. Shah Nida Afrin Nawab Nizamuddin vs. The State of Maharashtra and others*), concluding that the validity will not be granted automatically.

3. The learned advocate for the petitioner submits that the petitioner is willing to appear before the committee, if this Court remands the matter to the committee for a fresh decision.

4. Issue notice to the respondents, returnable on 17.02.2023. List the matter in the urgent admissions category. The learned AGP waives service of notice on behalf of both the respondents.”

2. Having considered the submissions of the learned advocate for the petitioner and the learned AGP, we find that the petitioner categorically submits that she is satisfied with all the documents that have been tendered with the committee prior to the passing of the impugned order. The learned AGP points out from the impugned order that the committee has recorded that despite opportunities being granted to the petitioner, she indicated her disinterest. Hence, she has been granted liberty to collect all the documents and tender them to the committee alongwith a fresh proposal.

3. The learned advocate for the petitioner submits that all the documents have been tendered to the committee. The father's claim has been validated. So also, her brother and sister have received favourable orders. The learned advocate therefore, submits, on instructions, that the petitioner would appear before the committee on

15th March, 2023 at 12:00 noon, after her 12th standard exams would be over. She would submit written notes of submissions. Thereafter, the committee may proceed to pass an order based on the material available and in the light of the written arguments of the petitioner. The learned AGP submits, on instructions, that the statement may be recorded.

4. In view of the above, this petition is disposed off.

5. Needless to state, the impugned order dated 21st November, 2022 stands nullified and the petitioner would appear before the committee on 15th March, 2023 at 12:00 noon. She would submit her written notes of submissions. The committee would then close the matter and deliver an order, on or before 30th April, 2023.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]