

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

65 WRIT PETITION NO.2658 OF 2023

SANJAY VISHRAM KOLI
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Aniket P. Sonpethkar.
AGP for Respondent/State : Mr. P. S. Patil.
...

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

DATE : 08th March, 2023.

Per Court:

1. This matter was heard for some time.
2. The learned Advocate for the Petitioner submits that if this Court is of the view that the matter could be remanded, he is willing to face the proceedings.
3. The learned AGP submits, on instructions, that normally the committee would not oppose a remand and in the present case, since the Petitioner was unable to establish as to whether the person related to him was Atmaram Babulal or Atmaram Baburao, the matter could be remanded.
4. It is conceded that not a single person from the

Petitioner's family / paternal blood relatives, save and except, Atmaram Babulal Jadhav, has been granted validity certificate by the committee. Atmaram has been granted validity by this Court by judgment dated 3rd December, 2018 delivered in Writ Petition No.8133 of 2013. The Petitioner's name is Sanjay Vishram Koli.

5. We have perused the family tree submitted by the Petitioner before the committee. Atmaram Babulal is the grandson of Gangaram and great grandson of Dhangu. Dhangu is the biological brother of Vedu and Sakharam. The Petitioner – Sanjay son of Vishram, is the grandson of Zhipru and great grandson of Sakharam. Since Sakharam and Dhangu are said to be biological brothers, the Petitioner relies on the validity granted to Atmaram. However, the school record of Atmaram indicates Atmaram Baburao Jadhav and not Atmaram Babulal Jadhav. The Petitioner submits that the correct name is Atmaram Babulal and not Atmaram Baburao. If that be so, the school record of Atmaram Baburao cannot be relied upon by the Petitioner.

6. Whether Atmaram Baburao Jadhav is the same person with the name Atmaram Babulal Jadhav, will have to be considered by the vigilance cell of the committee. This Court cannot get into disputed questions and commence a rowing inquiry in such

proceedings. So also, the judgment delivered by this Court dated 3rd December, 2018 in the matter of Atmaram s/o Babulal Jadhav, was not cited by the Petitioner before the committee when his claim was adjudicated upon on 2nd January, 2023.

7. In view of the above, this Petition is partly allowed. In order to facilitate a remand of the matter for a proper vigilance cell inquiry and to collect better details, the impugned order dated 2nd January, 2023, is quashed and set aside. The Petitioner is at liberty to tender a copy of the judgment of this Court dated 3rd December, 2018 delivered in Writ Petition No.8133 of 2013 (Atmaram s/o Babulal Jadhav Vs. The State of Maharashtra and others) and also place on record any such documentary evidence, which would indicate that the person on whose school record the Petitioner has relied upon, is Atmaram Babulal Jadhav and not Atmaram Baburao Jadhav.

8. The Petitioner shall tender all such documents, which he finds are necessary in support of his case, on or before 15th April, 2023. Thereafter, the committee shall resort to the vigilance cell additional inquiry to probe into the relationship as claimed by the Petitioner and also investigate as to whether the concerned person is Atmaram Babulal Jadhav or Atmaram Baburao Jadhav. We expect a final decision of the committee to be delivered, on or before 31st

August, 2023. Until then, Respondent No.6 would not dispense with the service of the Petitioner.

nga [SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]