

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4569 OF 2023**

**SAGAR RAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER**

...
Advocate for Petitioner : Mr. Deepak D. Choudhari
AGP for Respondents: Mr. A.R. Kale.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.
DATE : 20th APRIL, 2023**

P.C.:-

The petitioner claims that he belongs to Rajput Bhamta Vimukta Jati and approached the respondent Caste Scrutiny Committee for grant of validity, as he got elected for the post of Member of the Village Panchayat, Dhotra, Taluka Sillod.

2. Claim of the petitioner is based on the validity being granted to his blood relation, namely, Prabhakar Jalimsing Jadhav. According to counsel for petitioner, not only the committee has failed to consider the fact about petitioner having discharged the burden of establishing relationship with said Prabhakar Jadhav (validity holder), but the respondent Committee has committed a procedural error by not recording finding about the disagreement of the evidence produced by the petitioner so as to form an opinion for referring the matter to the Vigilance Cell.

3. Mr. Kale, learned AGP, would oppose the prayer based on the observations made by the respondent Committee in the order impugned.

4. It is the case of the petitioner that the great-grand-father, namely, Sampat Tarsing Jadhav was blessed with two sons, Narsing and Pandurang. Petitioner's father Ramrao was born to Pandurang, whereas,

Prabhakar is the grand-son of Narsing. The petitioner placed on record evidence in support of his claim for validity but he was unable to examine the validity-holder in support of his claim. In view thereof, the Committee was justified in rejecting the claim of the petitioner on his failure to establish the relationship with the validity-holder. In that view of the matter, the order of the Committee cannot be faulted with on the issue of finding recorded qua the validity holder.

5. As far as the Committee having committed illegality in not recording a reasoned order at the time of referring the matter to Vigilance Cell is concerned, the petitioner is unable to satisfy this Court as to the prejudice caused to him in such an eventuality. The fact remains that the documentary evidence produced by the petitioner does not support his case so as to claim that he belongs to reserved category and as such, the Committee, in pursuance to the provisions of the Act, was justified in referring the matter to the Vigilance Cell for inquiry. What can be inferred from the provisions of the Act is, Section 8 casts a burden on the petitioner, he having claimed validity from the committee to produce evidence. It is for the petitioner to discharge the said burden which, in the case in hand, for the reasons recorded herein-above, the petitioner has failed to discharge.

6. In view of above, no case for interference in writ jurisdiction is made out. Petition, as such, fails and stands dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE