

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 WRIT PETITION NO. 11628 OF 2021

SANJAY NAGUSING BAHURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondent Nos. 1 to 3 : Mr. A.S. Shinde

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 11 JULY 2023

PC :

Heard the learned Advocate for the petitioner and the learned AGP finally.

2. The petitioner is before us aggrieved by the order passed by the respondent – Scrutiny Committee, constituted by the Government under Maharashtra Act No. XXIII of 2001, whereby, it has invalidated the petitioner's claim as belonging to 'Rajput Bhamta' (Vimukta Jati) (A).

3. Learned Advocate for the petitioner submits that the petitioner was possessing several validity certificates of the blood relatives from the paternal side. Those were produced before the Committee. However, only on the ground that the certified copies were not produced the Committee has refused to weigh his claim on the basis of those validities. There were 22 such validity holders from the blood relations whose certificates were produced but those were

photocopies. He submits that in fact, there was an ulterior design in refuting the claim in as much as the petitioner had made a serious complaint against the members of the committee regarding demand of bribe. He submits that keeping open all other issues, if the petitioner is allowed to go before the committee once again and make an attempt to satisfy it on the basis of validity certificates being relied upon, by producing the certified copies thereof, that would serve the purpose.

4. Learned AGP submits that impugned order refuses to grant validity certificate for variety of reasons. Absence of certified copies of validity certificates is only one of the grounds.

5. We have carefully gone through the impugned order. In fact, there is a difference of opinion amongst the members of the Committee. The Chairman and one member have invalidated the claim, whereas, the Secretary of the Committee has held it to be valid relying upon the validity certificates issued to the real brother and real sister of the petitioner.

6. We need not go into the allegations regarding the alleged demand of bribe. Suffice for the purpose to observe that the Committee has resorted to various reasons for invalidating the claim. Keeping aside for the time being the rest of the reasons, in our considered view the circumstance of issuance of validity certificates to 22 blood relatives of the petitioners from the paternal side including his real brother and sister, if the petitioner is able to produce the certified

copies of such validity certificates could be decisive. It would be imperative for the committee to even examine that aspect of the matter. We, therefore, are of the considered view that it is a fit case where matter can be remanded back for the limited purpose of enabling the petitioner to produce the certified copies of the validity certificates and substantiate his claim on that basis and the Committee can reconsider his claim only on the basis of such validities, keeping open rest of the grounds which prevailed over it in passing the impugned order.

7. We allow the Writ Petition partly, quash and set aside the order of the Committee and remit back the matter to the Committee for decision afresh by permitting the petitioner to produce the certified copies of the validity certificates and substantiate his claim on that basis may be by leading some other evidence, if he so chooses. The petitioner shall approach the Committee on 01 August 2023. The Committee shall re-consider the petitioners claim as discussed herein above and pass the final order as expeditiously as possible and in any case within a period of six (06) months from today.

8. Writ Petition is disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE