

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.12492 OF 2022

TEJAS BHARAT DODIYA
VERSUS
STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for Petitioner : Ms. Rekha Choudhari h/f. S.S. Choudhari
AGP for Respondents/State : Mr. S.G. Sangle
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 25th January, 2023

PC. :-

1. The petitioner has put-forth prayer clause-B, C and D as under:

B) The Judgment and order passed by the Scrutiny Committee. Ahmednagar 21 September, 2022 bearing outward No. 3762 in respect of the petitioner may please be quashed and set aside by issuing writ of certiorari or orders or directions in the nature of writ of certiorari.

C) The validity of the caste certificate in respect of the petitioner as Hindu Mali caste may please be issued.

D) Pending hearing and final disposal of the Writ Petition the operation and implementation and execution of the judgment of the Scrutiny Committee, Ahmednagar on 21st September, 2022 bearing outward No. 3762 may please be stayed.”

2. We have considered the submissions of the learned advocate for the respective sides and perused the petition paper book. Considering the order that we are passing today, we are not required to draw any conclusions in the light of the submissions of the parties since we are remanding the case to the committee for a rehearing only for the purpose of verifying the alleged blood relatives of the petitioners, who are validity holders.

3. It is undisputed that the family tree appearing in the affidavit of the petitioner tendered before the committee dated 22.07.2022, was incomplete. The petitioner has, therefore, placed before us an extensive family tree concerning four generations. The petitioner's father, namely Bharat, is the son of Jagdish. Jagdish had five biological brothers namely, Indravardhan, Arun, Pravin, Manohar and Ghanshyam. All these five biological brothers have been granted validity certificates by the committee as belonging to Hindu Mali OBC.

4. Manjusha, Rajashri and Nitin are the children of Indravardhan who have also received validity certificates. Bhargav s/o Manohar and Ujjwal s/o Ghanshaym have also received validity certificates. As such, there are ten validity holders as per the petitioner, who are his blood relatives. This aspect was not brought to the notice of the committee as a full family tree was not placed before it by the Petitioner.

5. The committee has invalidated the claim of the petitioner on the ground that some of the blood relatives of the petitioner hail from Gujarat as they are born and brought up in Gujarat.

6. In our view, if the above validity holders are proved to be blood relatives from the paternal side of the petitioner, the petitioner would get the validity certificate in the light of ***Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010 (6) Mh. L.J. 401.*** Nevertheless, the petitioner will have to first canvas before the committee that these validity holders are his blood relatives. The committee will then have to disprove that any of them is not the blood relative of the petitioner. After this exercise is done, if there are validity holders related to the petitioner, ***Apporva Vinay Nichale*** (supra) would apply to his case.

7. For the said reason, it would be appropriate to remand the proceedings of the petitioner to the competent committee in order to enable the petitioner to establish that these validity holders are his blood relatives.

8. As such, this petition is partly allowed. The impugned order dated 21.09.2022 is quashed and set aside. The proceeding pertaining to the validation claim of the petitioner stands remitted to the competent authority at Ahmednagar. The e-mail ID of the petitioner is *tejasdodiya@gmail.com* and his

registered mobile number is 7972925253. The committee would be at liberty to enter into a correspondence with the petitioner on the e-mail ID and the registered mobile number. The petitioner would render cooperation to the committee and would refrain from seeking adjournments on unreasonable or trivial grounds.

9. Needless to state, the committee would arrive at a decision as expeditiously as possible and, on or before 31.05.2023. We make it clear that we would not grant extension of time. The committee would consider the record and pass an order without being influenced by any observation that we may have made in this order.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]