

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

58 WRIT PETITION NO. 12966 OF 2021

KUM. QUADRI SAYYAD MASEERA FATEMA SAYYAD NAZER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Rodge Krishna P.
AGP for Respondents : Mr. S.B. Yawalkar
...

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

DATE : 11 SEPTEMBER 2023

PER COURT :

Heard.

2. The petitioner is challenging the order of the respondent no. 2 – Scrutiny Committee, invalidating her claim of ‘Julaha’ Other Backward Class.

3. It transpires that apart from the material that was available before the Committee, the petitioner was also relying upon the three validities in the family stated to be that of her cousins from the paternal side. The Committee has refused to consider those validities for want of evidence substantiating the genealogy pointing out the relation between the petitioner and the three validity holders.

4. Learned Advocate for the petitioner tenders across the bar original affidavits of two of those validity holders namely Minaj Sayyad Mansur Sayyad Ahmed Quadri and Sayyad Zuber Sayyad Jahur Ahmed Quadri. Going by the names, they are same individuals whose names find place even in the vigilance report. Even the genealogy prepared during the vigilance on the basis of the information furnished by the petitioner's father demonstrates the relationship *inter se* between all these individuals.

5. Since it is a matter of social status, we feel it appropriate that the petitioner deserves to be granted opportunity to once again go before the Committee and make an endeavor to discharge the burden under Section 8 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and Verification of) Caste Certificate Act, 2000.

6. We allow the Writ Petition partly and quash and set aside the impugned order. The matter is remanded back to the respondent no. 2 - Scrutiny Committee, which shall permit the petitioner to substantiate the claim by introducing additional evidence and the affidavits of validity holders. Thereupon, the Committee shall take appropriate decision and even by resorting to the vigilance enquiry if it thinks fit to do so. The petitioner shall

appear before the Committee on 15 September 2023. The Committee shall thereafter decide the proposal as expeditiously as possible and in any case within a period of six weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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