

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.11939 OF 2022

SHAIKH SAHIL ANSAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Kulkarni Akshay D.
AGP for Respondents/State : Mr. S.G. Sangle
Advocate for R//3 : Mr. S.G. Karlekar
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 11th January, 2023

PC. :-

1. On 13.12.2022, we had passed an order as under:

- “1. On 05/12/2022, we had passed the following order :-
1. *A skeletal family tree is placed before us, upon which, we do not wish to rely. Let the petitioner place before us the entire family tree since he claims lineage from the branch of Ahmadshah Balashah Fakir.*
 2. *We make it clear that, after the entire family tree is placed before us, we would call upon the Competent Committee to verify the same, and thereafter, proceed to deal with this matter.*
 3. *The learned Advocate for the petitioner submits that, the family tree would be placed before this Court within a one week.:*
 4. *List this petition on 13/12/2022, in the ‘Students Admissions’ category.”*
2. *Issue notice to the respondents, returnable on 03/01/2023. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2. Mr Karlekar, the learned Advocate*

waives service of notice on behalf of respondent No.3 and prays for a copy of the petition paper book to take instructions.

3. The petitioner has filed an affidavit dated 12/12/2022 and has placed the entire family tree before us. The family tree sets out six generations and Ahmadshah Balashah Fakir is shown to be the first person, known to the petitioner and his family members. The petitioner is the great great great grandson of Ahmadshah. In this family tree, for the first time before us, Bhaiyyasahab Dagdu and his biological brother Samir Dagdu, sons of Dagdu Fattu, are said to be the validity holders. Dagdu Fattu is the son of Fattu Ahmadshah and grandson of Ahmadshah Balashah Fakir. Bhaiyyasahab Dagdu and Samir Dagdu, therefore, still become the cousin grandfathers.

4. The learned A.G.P. submits that, he would have to call for the entire file of the petitioner, as well as the files of Bhaiyyasahab Dagdu and Samir Dagdu. So also, the family tree placed before the Court will have to be verified in order to proceed with the hearing of this matter.

5. The learned Advocate for the petitioner prays that the matter be heard finally. Parties to note that, if time permits, this matter will be heard finally on the next date.”

2. The learned AGP representing the committee submits on instructions that the petitioner had tendered an affidavit dated 10.01.2022 wherein a skeletal family tree was placed before the committee. Now the petitioner has tendered a fresh affidavit dated 12.12.2022 under the orders of this Court and an extensive family tree is placed on record on page no.91. All these relatives of the petitioner will have to be checked and the relations claimed by the petitioner will have to be verified. The committee, therefore, finds it appropriate to suggest that the matter may be remitted to the committee so as to cause an appropriate inquiry and verify the blood relatives

set out by the petitioner in the family tree, more specifically with regard to the validity holders. The biological sister of the petitioner is also before the committee and her claim is pending.

3. The learned advocate for the petitioner is agreeable for the committee to consider the proposals of these siblings, together.

4. In view of above, this petition is partly allowed only for the purpose of remanding the matter to the committee for verifying the blood relatives cited by the petitioner and for deciding the cases of the petitioner and his biological sister, together.

5. The impugned order dated 03.10.2021 is quashed and set aside. The proceedings are remitted to the concerned committee. The petitioner would appear before the committee on 01.02.2023 at 11.00 a.m. and tender an affidavit along with the family tree that is placed on record at page no.91. Thereafter, the committee would follow the procedure as is established and deal with the claims of the petitioner and his biological sister, together. We expect the committee to decide the proposals of these siblings, preferably within three months.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]