

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6057 OF 2023

Mrs. Rekha Rohit Patil

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. Rajaram V. Bansode, for the Petitioner.
- Ms. R.M. Shinde, AGP for Respondent Nos.1 to 3–State.
- Mr. D.B. Patil, for Respondent No.4.

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ

DATE : 12th JULY, 2023.

ORAL JUDGMENT (PER. SUNIL B. SHUKRE, J.)

1. Heard. Rule. Rule made returnable forthwith, by consent of learned counsel for the respective parties.

2. Upon careful consideration of the submissions made across the bar on both sides and also the reasons given in the petition, we find that the entire controversy involved in this petition arises from the manner in which two documents, one in the name of Shrimant Pargoda Birajdar, deceased father of the petitioner containing entry of the year 1976 showing him to be of the caste “Lingayat Teli” and the other document

in the name of grandfather of the petitioner by name Dharmappa Birajdar giving birth to one son by name Shrimant Pargonda Birajdar containing entry of the year 1944 and showing the caste of Dharmappa Birajdar to be “Teli” are required to be considered. These two entries are apparently inconsistent with each other, and therefore, it cannot be that both of them would be true. Here is also not the case that there are overwhelming entries in existence, which show that the forefathers of the petitioner were “Teli” by caste and that there are two inconsistent documents which are required to be considered. Had there been overwhelming entries showing consistently one caste of the relatives of the petitioner, it would have become easy for this Court to discard one singular inconsistent entry; but that not being the case here, it is necessary for the petitioner to explain as to which of the two inconsistent entries is correct. It appears that no serious effort has been made by the petitioner in explaining this fact before the Vigilance Committee, which may have been due to ignorance of rules of evidence on his part; but in a case where a declaration of social status of a person is involved, which may have life changing impact, it is necessary that one more opportunity is given to such a person to again prove his social status.

3. Learned counsel for the petitioner, on instructions, submits that if

such an opportunity is given to the petitioner, the petitioner shall try to effectively use the same in order to prove the social status as claimed by him. We have already said that such an opportunity needs to be given to the petitioner.

4. With this view of the matter, we find it necessary to declare the impugned order is a result of consideration of inadequate evidence and so it deserves to be quashed and set aside. Hence, the following order:-

- (i) The petition is allowed.
- (ii) The impugned order dated 24.04.2023 passed by Respondent No.2 is hereby quashed and set aside.
- (iii) The matter is remanded back to the Caste Scrutiny Committee-Respondent No.2 for a fresh consideration and decision, in accordance with law.
- (iv) The petitioner is at liberty to file additional documents including additional affidavit in support of his claim and also for the purpose of explaining inconsistent entries in a suitable manner.
- (v) We direct Respondent No.2-Scrutiny Committee, Kolhapur to decide the claim of the petitioner, in accordance with law at the earliest and in any case within four months from the date of appearance of the petitioner before it.

(vi) The petitioner shall appear before Respondent No.2-Scrutiny Committee, Kolhapur on 19th July, 2023 at 11.00 a.m.

5. Rule is made absolute in the above terms.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]