



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

Writ Petition No. 8954 OF 2024

Manish s/o Kundan Kuril

Age : 21 years, Occ. Education,

R/o : Gadipura, Hingoli

Dist. Hingoli.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department
And School Education & Sports Department,
Mantralaya, Mumbai-32.

2. The District Caste Verification
Committee, Hingoli
Through its Member Secretary.

...Respondents

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Mr. Avinash A. Phad, Advocate for the Petitioner.

Mr. V. M. Jaware, AGP for Respondent/State.

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

DATE : 03 SEPTEMBER 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally considering urgency in the matter.

2. The petitioner is aggrieved by the judgment and order dated 20.09.2023 passed by the Scrutiny Committee, invalidating his caste certificate of 'Mochi' Schedule Caste.

3. Learned Counsel for the petitioner submits that the caste certificate and school record of his father, uncle and other relatives were overlooked by the Committee. He would submit that though the affinity test was conducted, it was not considered by the Committee. The vigilance report and the statement would support his claim. It is further pointed out from the certificate dated 22.09.2021 issued by Headmaster of Central School at Sadarbazar, Hingoli that school record of grandfather of the petitioner was gutted in fire and could not be made available. He would submit that the Committee by very cryptic order, rejected his claim without conducting due verification of the record.

4. Learned AGP supports the impugned judgment and order. He would submit that the petitioner could not produce cogent material to corroborate his claim. No validity certificate was issued in his family. The record placed before the Committee was of recent origin. The material which was placed on record was considered and a plausible order has been passed by the Committee.

5. We have considered the rival submissions advanced across the bar. There is no validity certificate holder in his blood relation. He would rely on school record and caste certificate of his father, uncle and his siblings.

6. It reveals that the statements of few witnesses were

recorded by the vigilance cell. The affinity test was conducted during vigilance inquiry, but there is no remarks or the conclusion given by the Research Officer. The Committee totally overlooked this aspect of the matter. The vigilance inquiry and the affinity test have not at all been considered by the Committee. According to us, this amounts to abdication of the duties and demonstrates arbitrariness.

7. When the Committee was not satisfied with the material produced by the petitioner, recourse ought to have been taken to the affinity test. No conclusion was recorded by the Research Officer despite resorting to the home inquiry, statements and the information collected during the inquiry. It was the duty of the Committee to secure the opinion about the affinity test. The Committee has failed to conduct due verification of the record before arriving at any conclusion. The interest of the justice would be subserved in relegating the matter to the Committee to decide the matter afresh by referring to the vigilance report and even the affinity test. We, therefore, pass the following order :

ORDER

- a. The writ petition is allowed partly.
- b. The impugned judgment and order dated 20.09.2023 passed by the Committee is quashed and set aside.
- c. The matter is remanded back to the respondent/ Committee. Thereafter the Committee shall decide the proposal of the petitioner afresh, soliciting the conclusion of Research Officer to affinity test.

- d. The decision shall be taken as early as possible and in any case within two months from today.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

Najeeb..