



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

WRIT PETITION NO. 9689 OF 2024

Amol Ramkisan Gusinge .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Anandsingh Bayas, Advocate and Shri S. D. Kokulde,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 06 SEPTEMBER 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both sides finally considering exigency to the petitioner.

2. The petitioner is challenging judgment and order dated 21.06.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating his caste certificate of 'Rajput Bhamta' Vimukta Jatis (A).

3. The petitioner relies on the validity certificate of Mangal Rupchand Gusinge. The learned counsel for the petitioner submits that despite demonstrating relationship with him, the Committee failed to issue validity certificate. It is further submitted that adequate material was placed before the Committee to support the caste claim, but it was discarded. The

learned counsel tenders on record a compilation of documents to demonstrate that the validity holder Mangal Rupchand Gusinge is blood relative.

4. The learned Additional Government Pleader supports the impugned judgment and order. He tenders on record the original papers of earlier validity holder Mangal Rupchand Gusinge. He would point out that the genealogy given by the validity holder is inconsistent with the genealogy of the present petitioner. No relationship exists between them. It is vehemently contended by the learned Addl. G. P. that the documents which are tendered for the first time in the High Court cannot be relied on without there being any verification. The Committee has rightly rejected the caste claim.

5. It reveals from record that the petitioner wants to derive benefit of validity certificate issued to Mangal Rupchand Gusinge. There is no other validity issued in the family. The documents which are produced for the first time in the High Court cannot be accepted. The learned Addl. G. P. has rightly pointed out that without verification of the documents no reliance can be placed. We are of the considered view that the matter pertains to social status and it is expedient to accord one opportunity to the petitioner by remanding the matter to the scrutiny committee. We, therefore, pass following order.

O R D E R

A. The writ petition is partly allowed.

B. The impugned judgment and order dated 21.06.2024 passed by the respondent No. 2/scrutiny committee is quashed and set aside. The matter is remanded back to the Scrutiny Committee for conducting fresh scrutiny.

C. The petitioner shall appear before the committee on 23.09.2024. The scrutiny committee thereafter shall reconsider the matter along with newly tendered documents and may resort to vigilance enquiry, if required.

D. The respondent No. 2/scrutiny committee shall decide the claim of the petitioner afresh on its own merits, as expeditiously as possible and in any case within a period of six (06) months from the date of appearance of the petitioner before the committee.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb / Sept. 24