



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

WRIT PETITION NO. 14276 OF 2021

MANDAR VENKATRAO MARAKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for the Respondent Nos. 1 & 3/State : Mr. N.D. Batule
Advocate for Respondent No.2 : Mr. M.D. Narwadkar

...

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

DATE : 12 AUGUST 2024

PER COURT :

. We have heard both the sides finally.

2. Learned advocate for the petitioner submits that when the petitioner's proposal together with his brothers was before the Committee, they were unable to rely upon the validity of one Nivrutti Bapunna Marakwad who is related to them by blood since he was not coming forward for filing any affidavit. Now that he is ready and has also sworn in an affidavit on 19.10.2023 filed in the petition at Exhibit-L, giving a detailed genealogy annexed thereto, the petitioners are merely requesting for remanding the matter, so that the Scrutiny Committee can undertake a fresh inquiry and if necessary, can verify if really the validity holder is related to them by blood from the paternal side.

3. Since it is a matter of social status, not being an adversarial litigation, the request for remand is innocuous.

4. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remitted back to the respondent/Scrutiny Committee for decision afresh by extending the petitioner an opportunity of leading additional evidence including affidavit of the validity holder. The Committee may if necessary, and felt appropriate, resort to a fresh vigilance inquiry.

5. The petitioner shall appear before the Committee on 13.08.2024 and the Committee shall decide the proposal afresh as expeditiously as possible and in any case within four weeks thereafter.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..