



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 317 OF 2019

Nawaz Wahid Pirjade
Age major Occ. Service,
R/o Sayyed Nagar, Lane No.B 6,
Hadapsar,
Tq. Haveli, Dist. Pune 414 028

.. Petitioner

Versus

The State of Maharashtra
Through Secretary and others

.. Respondents

...
Advocate for petitioner : Mr. S.M. Vibhute h/f. Mr. D.K. Rajput
AGP for the respondent – State : Mr. S.P. Joshi
Respondent no. 4 served – absent
...

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

DATE : 4 SEPTEMBER 2024

PC :

We have heard both the sides finally.

2. The facts are peculiar, particularly in the light of the supervening events.

3. Petitioner's claim of belonging to 'Chhaparband' caste was rejected by the respondent – scrutiny committee by order under challenge dated 26-10-2018.

4. Irrespective of the merits or otherwise of the present matter, learned advocate for the petitioner submits that subsequent to the passing of the impugned order, petitioner's father - Peerjade Sayyed Abdul Wahed has been issued with a certificate of validity of 'Chhaparband (14) Vimukta Jati (A)' on 24-11-2020.

5. Since a copy of the certificate of validity of petitioner's father was tendered across the bar in the first session, we had requested the learned AGP to solicit instruction regarding genuineness of the certificate. Copy of the validity certificate of father is taken on record and marked 'X' for the purpose of identification.

6. In the second session, learned AGP, on telephonic instructions, with respondent no. 2 - scrutiny committee informs that indeed the petitioner's father has been issued with certificate of validity as is being pointed out.

7. In view of such supervening event, wherein petitioner's father has been issued with certificate of validity after the impugned order was passed, we are refraining from deciding the matter on merits, as it is a matter of social status and when the father possesses the validity certificate, even son would be entitled to have it.

8. The writ petition is allowed.

9. The impugned order is quashed and set aside.
10. The committee shall immediately issue validity certificate of 'Chhaparband (14) Vimukta Jati (A)' to the petitioner.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/