



Judgment

wp3132.23

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

WRIT PETITION No. 3132/2023.

Sanket s/o Rajesh Agarkar,
Aged about 21 years, Occupation
student, Resident of Jamthi (Bk),
Taluq Murtizapur, District Akola.

...

PETITIONER.

VERSUS

District Caste Scrutiny Committee,
Akola, Office at Collector Office,
Administrative Building, Second
Floor, Akola 444001.

...

RESPONDENT.

Mr. S.D. Chopde, Advocate for the Petitioner.
Mr. B.M. Lonae, A.G.P. for the Respondent.

CORAM : VINAY JOSHI AND
M.S. JAWALKAR, JJ.

DATE : JUNE 27, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Rule. Rule made returnable forthwith.

Considering the controversy involved in the matter and by consent of

Rgd.

learned Counsel for the parties, the matter is taken up for final disposal.

2. The petitioner claims to be belonging to 'Saitwal' caste which comes under Other Backward Class category. The caste claim of the petitioner was forwarded to the respondent Scrutiny Committee, who in turn rejected the same vide the impugned order dated 17.09.2021.

3. In addition to the documents which have been tendered before the respondent Committee, the petitioner would submit that he has procured some more documents in support of his caste claim. In particular, the petitioner has obtained a Kotwal Book extract dated 21.09.1935 pertaining to his great-great grand father Chintaman, showing his caste as 'Saitwal'. Besides that it is the contention of the petitioner that one caste validity was issued in his family i.e. in favour of petitioner's cousin uncle Prashant in the year 2012. The petitioner was not aware about these documents. In substance, it is contention of the petitioner that these documents being crucial, needs to be evaluated by the respondent Committee,

Rgd.

along with other documents, which according to the petitioner supports his caste claim.

4. Admittedly these documents have not been tendered before the Committee, nor have been evaluated. Obviously it requires scrutiny and verification about its truthfulness. In the circumstances, the matter requires a fresh look by the Committee. In view of that, Writ Petition is allowed.

The impugned order dated 17.09.2021 passed by the respondent Scrutiny Committee is hereby quashed and set aside. The matter is remitted to the file of respondent Committee for fresh adjudication. The petitioner to appear before the respondent Scrutiny Committee on 08.07.2024, with the requisite documents, which the Committee shall taken into consideration and decide the caste claim of the petitioner afresh in accordance with law.

5. Rule is made absolute in aforesaid terms, with no order as to costs.

JUDGE

JUDGE

Rgd.