



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

WRIT PETITION NO. 1059 OF 2018

GAJANAN SHAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Mohit R. Deshmukh
AGP for Respondents No.1 to 3/State : Mr. A. S. Shinde
...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 10-03-2025

PER COURT:-

1. Heard the learned counsel for the petitioner and the learned A.G.P. for the State.
2. The petitioner has impugned the judgment and order of respondent No.3 / Scrutiny Committee dated 14.11.2017.
3. The learned counsel for the petitioner would submit that the caste scrutiny committee denied the claim of the petitioner on the ground that the petitioner did not prove the genealogy nor produced the document. The petitioner has sought the caste validity certificate supported with his cousin Pradip Anandrao Jadhav. He would also submit that the committee has rejected the document without the vigilance. So, the petitioner could not get an opportunity to explain. The genealogy was prepared. However, in

the meantime, the judgment was pronounced. Hence, he would submit that to verify the facts and get right of the petitioner decided, the matter may be relegated to the caste scrutiny committee.

4. The learned A.G.P. would submit that the facts and the document placed on record were properly scrutinized by the caste scrutiny committee. There was no genealogy of the petitioner to believe that Pradip Jadhav is his cousin. The caste scrutiny appreciated the document of 1961.

5. We have gone through the papers with the able assistance of the learned counsel for the parties

6. Admittedly, the vigilance was not conducted in this matter and genealogy was also missing. In view thereof, we are of the opinion that if the committee is doubtful about document of 1961, the vigilance should have been conducted, so the petitioner could explain.

7. As far as the genealogy is concerned, the petitioner claimed that he orally proved his relation with Pradip Jadhav, who has been granted a validity. Some facts are coming before the Court for the first time. So, it would be appropriate to relegate the matter to the caste scrutiny committee for proper verification of the facts of the document which were not before it and to decide, whether the

vigilance is required. In view thereof, we pass following order:-

ORDER

- i) The writ petition is allowed.
- ii) The impugned judgment and order stands quashed and set aside.
- iii) The matter is relegated to respondent No.3 / Scrutiny Committee for a fresh enquiry on granting leave to the petitioner to produce the documents like genealogy, etc.
- iv) An opportunity be given to both sides to prove and disprove the claim.
- v) The judgment and order impugned before the Court is of 2017. So, considering the length of litigation, we hope that the committee should decide the claim of the petitioner as expeditiously as possible and in any event within three months from the date of receipt of this order.
- vi) The petitioner should appear before respondent No.3 / Scrutiny Committee at Hingoli on 24.03.2025.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE