



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 2331 OF 2025
WITH
CIVIL APPLICATION NO. 1912 OF 2025 IN WP/2331/2025

GAJANAN TULSHIRAM MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Mr. Milind M. Patil (Beedkar) – Advocate for Petitioner
Mr. S.S. Joshi – AGP for Respondent Nos.1 to 3, State
Mr. Swapnil S. Rathi – Advocate for Respondent No.4

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CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.

DATE : 20th FEBRUARY, 2025

PER COURT :

- . We have heard both the sides finally.
2. The petitioner is challenging the order of invalidation.
3. The committee has discarded the petitioner's claim of belonging to 'Kunbi' (O.B.C.) on the ground that the only favourable record was his own caste certificate issued in the year 2023. Contrary entry in the school record of 1991 described him as 'Maratha'. The committee discarded the pre-constitutional record in the form of Form No.33,

wherein, the petitioner's great grandmother was described as 'Kunbi', on the ground that a person can get the caste only from father and not from the mother.

4. However, it is now being pointed out that the next page contains the name of Govinda Narayan More stated to be 'Kunbi' and stated to be great grandfather. Obviously it was not before the committee.

5. Even the learned advocate for respondent No.4 would submit that the affidavit-in-reply is filed subsequently after the order under challenge.

6. Be that it as may since it is a matter of social status and the burden is cast on the petitioner, one will have to take a pragmatic view. We cannot undertake an inquiry in that regard. No prejudice would be caused to anybody if the matter is remitted back for fresh decision, enabling the petitioner to lead additional evidence which in turn would extend the scrutiny committee opportunity to scrutinize it and if necessary, by holding vigilance enquiry.

7. In view of the above, the Writ Petition is partly allowed. The impugned order is quashed and set aside. The matter is remitted

back to the scrutiny committee for fresh adjudication. The petitioner is permitted to lead the additional evidence. The committee may order fresh vigilance enquiry. The decision shall be rendered as expeditiously as possible and in any case within three (3) months.

8. Parties shall appear before the Committee on 28.02.2025.

9. Pending Civil Application, if any, stands disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

Pooja Kale