



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

907 WRIT PETITION NO. 3915 OF 2025

**SANDIP VITTHAL GADEKAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND OTHERS**

.....
Advocate for the Petitioner : Mr. Sagar Phatale h/f. Kale Yogesh D.
AGP for Respondents/State : Mr. R.K. Ingole
.....

**CORAM : MANGESH S. PATIL &
Y.G. KHOBRADE, JJ.
DATE : 27.03.2025**

P.C. :-

1. Heard the learned advocate for the petitioner and the learned AGP.
2. The learned advocate Mr. Phatale for the petitioner submits that the petitioner is aggrieved by the impugned judgment and order of the respondent/scrutiny committee whereby it has refused to validate his Kunbi OBC certificate. However, the petitioner is merely seeking remand to enable him to substantiate his claim on the basis of validity of his first degree cousin-Kiran Subhash Gadekar which was not available earlier and registered

sale-deed in Modi script of a pre-constitutional period which was also not available to him.

3. The learned AGP submits that there is no need to remand, no plausible explanation is coming forth as to why the documents were not available.

4. It is matter of social status. The caste certificate has to be verified by a scrutiny committee under the Maharashtra Act No.XXIII of 2001. It is not adversarial litigation. If the petitioner could lay hands on couple of clinching pieces of evidence which if proved would substantiate his claim, in the form of a certificate of validity possessed by his first degree cousin and a registered sale-deed of a pre-constitutional period, in our considered view, it is a fit case wherein an opportunity deserves to be extended to the petitioner to discharge the burden caste on him under Section 8 of that Act.

5. The writ petition is allowed partly. The impugned order is quashed and set aside. The petitioner's claim is remitted back to the respondent no.2-District Caste Certificate Scrutiny Committee, Ahilyanagar for fresh verification by extending an opportunity to the petitioner to produce additional documents/affidavits. The committee may, if it feels

necessary, resort to a fresh vigilance inquiry and shall decide the claim as expeditiously as possible and in any case within five months. The petitioner shall appear before the committee on 07.04.2025.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]