

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4339 OF 2012

Bharat s/o Lotan Thakur
Age : 23 years, Occ : Service,
R/o : Plot No.9/10, Shankar Appa Nagar,
Near Hanuman Temple, Pimprala,
Tal & District Jalgaon.
At present : C/o Bhaskar Kisan Jagtap,
Suraksha Nagar, Ghatkopar,
Mumbai.

..Petitioner

VERSUS

1. The State Of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.

2. The Committee for Scrutiny and
Verification of Tribe Claims,
Nandurbar Division, Nandurbar,
Through its Member Secretary.

3. The Commissioner of Police
Bruhanmumbai, Mumbai.

..Respondents

...
Advocate for the Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondent/State : Mr. P.S. Patil

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

DATED : MARCH 04, 2025

ORDER :

1. Heard learned counsel for the petitioner and learned AGP
for the State.

2. The caste validity of the petitioner was rejected while the
caste claim was filed before the Caste Scrutiny Committee. The pre-

constitutional documents of 1933-34 were placed on record. During the pendency of this writ petition, by way of an amendment, the petitioner placed on record the pre-constitutional document of 1918-19. These are the new documents coming for the first time before the Court. Since those documents are coming before the Court for the first time, this Court cannot deal with directly or consider such documents for the reason that the right of the committee to examine its truthfulness, legality and validity may be deprived. The petitioner wanted to press those documents into service. Hence, we are of the opinion that an opportunity should be granted to the Caste Scrutiny Committee to verify the genuineness, legality and validity of those documents. Hence, we pass the following order :

ORDER

- (i) Writ Petition is allowed.
- (ii) The impugned judgment of the Caste Scrutiny Committee is quashed and set aside.
- (iii) Leave granted to the petitioner to place the documents of the year 1918-19 before the Caste Scrutiny Committee and the Committee should examine the legality, validity and propriety of the document and decide the matter afresh within nine months from today.
- (iv) For the above reason, the matter is relegated to the Caste Scrutiny Committee.

(3)

(v) Liberty is granted to the petitioner to file the documents other than the documents mentioned above, if any.

(vi) Interim protection granted to the petitioner by this Court's order would be continued till the committee makes the decision.

(vii) Rule is made absolute in above terms.

(viii) No order as to costs.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)

Mujaheed//