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

8 WRIT PETITION NO. 18 OF 2025

Shree Baburam Sharma, thr. Her natural guardian Father Baburam
Shivsagar Sharma, Shrirampur

Versus

1. The State of Maharashtra,
thr. Its Secretary,
Social Justice, Culture Affair and
Sports Department, Mumbai
2. District Caste Scrutiny Committee,
Ahilyanagar
3. Sub-Divisional Magistrate,
Shirdi, Tq. Rahata,
Dist. Ahilyanagar

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Mr Y. V. Kakde, Advocate for petitioner
Ms S. S. Joshi, A.G.P. for respondents/State

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

DATE : 6th January, 2025

PER COURT:

1. The petitioner is challenging the order of invalidation dated 30/09/2024, passed by the respondent No.2/ Scrutiny Committee, Ahilyanagar.

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2. Issue notice to the respondents, returnable forthwith. The learned A.G.P. waives service of notice on behalf of all the respondents.

3. We have heard both the side finally.

4. The learned advocate for the petitioner submits that the petitioner had furnished genealogy indicating that one Ku. Sharma Sadhana Ramakant was her distant cousin from paternal side, but the respondent/Scrutiny Committee has refused to consider Sadhana's validity on the ground that the petitioner had failed to substantiate the claim on that basis for want of evidence to demonstrate any blood relationship between him and Sadhana since Sadhana had not filed any affidavit in support of the petitioner. He submits that this being the only reason, when Sadhana has come forward and has filed affidavit (Exhibit G) indicating the relationship between the petitioner and her, the petitioner may be extended an opportunity to go before the scrutiny committee once again and make an attempt to satisfy the committee about he be related with Sadhana from paternal side.

5. Learned A.G.P. seeks time to take instructions.

6. Considering the fact that this is a matter of invalidation of a caste claim, which is not an adversarial litigation, considering the

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fact that for whatever reason the petitioner was unable to place on record affidavit of validity holder Sadhana, who claims to be her distant cousin and she has also now come forward and filed an affidavit in his support, the request for remanding the matter, according to us, is innocuous.

7. The writ petition is allowed partly. The impugned judgment and order is quashed and set aside. The petitioner's claim is remitted back to respondent No.2/scrutiny committee for fresh adjudication by extending an opportunity to the petitioner to substantiate his claim on the basis of Sadhana's validity by producing her affidavit. The scrutiny committee may resort to a fresh vigilance enquiry either a comprehensive one or limited, to ascertain the relationship between Sadhana and petitioner.

8. The petitioner shall appear before the scrutiny committee on 13/01/2025 and the committee shall decide his proposal afresh, as expeditiously as possible and in any case within a period of six weeks thereafter.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk