



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

WRIT PETITION NO. 5903 OF 2025

**WITH
CIVIL APPLICATION NO. 9914 OF 2025
IN WP/5903/2025**

**WITH
CIVIL APPLICATION NO. 9916 OF 2025
IN WP/5903/2025**

**PATHAN AHMER VAQUAS BISMILLAHA KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND ANOTHER**

...
Advocate for the Petitioner : Mr. Baig Mirza Mazhar Javed
AGP for Respondents: Mr. P.S. Patil
...

**CORAM : SANDIPKUMAR C. MORE &
ABASAHEB D. SHINDE, JJ.**

DATE : 06.04.2026

PER COURT (ABASAHEB D. SHINDE, J.) :

1. Heard.
2. By this writ petition the petitioner takes exception to the order dated 03.04.2025, passed by the respondent – Scrutiny Committee, by which the tribe claim of the petitioner of belonging to ‘Tadvi’ scheduled tribe has been invalidated.

3. Though learned counsel for the petitioner and learned AGP have tried to advance the submissions on merit, including referring to the document annexed with the writ petition as well as the record produce for our perusal, however, we find that the record depicts that to the vigilance cell inquiry report submitted by the vigilance cell, the petitioner has filed his reply. Along with the reply, the petitioner has placed on record the school extract of his cousin uncle namely Zahur Ahmed, showing his caste as 'Tadvi'. After perusal of the impugned order, we do not find any reference or discussion about the said document which according to the learned counsel for the petitioner is pertaining to the year 1952.

4. Learned counsel for the petitioner also try to produce across the bar the copy of Nikahnama which according to the learned counsel for the petitioner is the oldest document having probative value, however, it appears that this so called Nikahanama which is sought to be placed on record for the first time before this Court is not the part of record before the Scrutiny Committee.

5. Learned AGP fairly concedes that so far as the document placed on record by the petitioner along with the reply filed to the vigilance cell inquiry do not find place in the impugned order nor there is any discussion about the same. He therefore submits that,

the matter needs to be remanded back to the Scrutiny Committee so that this document can be considered. So far as the copy of Nikahnama which is sought to be placed on record by the learned counsel for the petitioner is concerned, learned AGP further submits that even this document can also be produced before the Scrutiny Committee and the Scrutiny Committee may consider its genuineness. He therefore submits that, the matter may be remanded back for fresh consideration.

6. After considering the submissions advanced by the learned counsel for the petitioner and the learned AGP, we find that the school extract of petitioner's cousin uncle namely Zahur Ahmed produced by the petitioner along with the reply filed to the vigilance cell report has not even been referred in the impugned order and in that view of the matter, we find that the matter deserves to be remanded back to the Scrutiny Committee. We are also of the view that the Nikahnama which is sought to be placed on record before this Court for the first time can also be considered by the Scrutiny Committee after ascertaining its genuineness. We, therefore, are inclined to allow the writ petition partly by remanding the matter back to the Scrutiny Committee. We therefore pass the following order :

ORDER

- I. The writ petition is partly allowed.
- II. The impugned order dated 03.04.2025 passed by respondent – Scrutiny Committee, is hereby quashed and set aside.
- III. The matter is remanded back to the respondent – Scrutiny Committee to decide the same afresh after considering the documents as stated above. Needless to state that the scrutiny committee may decide the tribe claim of the petitioner in accordance with law and on its own merits.
- IV. We make it clear that we have not expressed anything on merits and the scrutiny committee shall decide the tribe claim after adopting the appropriate procedure including conducting a fresh vigilance cell inquiry.
- V. In peculiar facts and circumstances, we expect the respondent – Scrutiny Committee to decide the tribe claim of the petitioner as expeditiously as possible and preferably within a period of ten (10) months from today.

IV. With these directions, the writ petition stands disposed of. Pending civil applications are disposed of.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)

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