

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4045 OF 2025

Firoj Mohammedhanif Tamkar	]	Petitioner
versus		
State of Maharashtra and others	]	Respondents

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Mr. Kalpesh Patil, for Petitioner.

Ms. S.N. Deshmukh, A.G.P, for Respondent – State.

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**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 30th JANUARY, 2026.

ORAL ORDER: [PER R.G. AVACHAT, J.]:

1. Heard.

2. The petitioner claims to have belong to “Muslim Kasai Caste”. His caste claim has not been validated by respondent No.2 – District Caste Scrutiny Committee, Satara (for short “Scrutiny Committee”). He is, therefore, before us.

3. Before respondent No.2 - Scrutiny Committee, the petitioner relied on a copy/extract from the register of "Siyanama" to have been maintained with Madarasa at Morgiri, Taluka - Patan, District Satara and his own marriage certificate. Respondent No.2 - Scrutiny Committee did not rely on those two documents. According to respondent No.2 - Scrutiny Committee, the Vigilance Cell Report indicates that no register of Siyanama was found from the said Madarasa nor the petitioner's marriage found to be registered in the register maintained by Maulana. The petitioner received Vigilance Cell Report. He ought to have responded thereto. Admittedly, the petitioner was not represented by an Advocate in the proceeding before the Scrutiny Committee. The record indicates that it was the petitioner who himself submitted his written submissions.

4. Now, learned Counsel for the petitioner wants to examine concerned persons from Madarasa in proof of the documents, he had relied upon before respondent No.2 - Scrutiny Committee.

5. In all other records, the petitioner has been shown with his religion - Muslim. In the said religion, there are various castes and sub castes. There is nothing on record to indicate that the petitioner to have

belonged to any caste. The petitioner's grandfather has been issued with licence of a Mutton Shop. Be that as it may, with a view to give the petitioner full opportunity to make out his case, we set aside the order impugned herein and remand the matter back to respondent No.2 – Scrutiny Committee with a direction to allow the petitioner to adduce evidence in support of his claim and in proof of documents, he has relied on.

6. The Writ Petition stands allowed in the aforesaid terms. The said exercise shall be completed within a time frame of six months from the date of receipt of copy of this order.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]