

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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WRIT PETITION NO. 3555 OF 2006

GANESH TARACHAND MAHER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Mr. P. R. Patil .
AGP for Respondent Nos.1 to 4: Mr. S. G. Sangle.

CORAM: S. V. GANGAPURWALA &
A.I.S.CHEEMA, JJ.
DATED: 24th APRIL, 2015.

PER COURT:

1. Mr. Patil, learned counsel for the Petitioner submits that the tribe claim has been invalidated only on the ground that in two documents, out of 40 documents, there was entry of Pardeshi in the column of caste. The learned counsel submits that Pardeshi and Rajput Bhamta are synonyms. Learned counsel submits that only on the ground that there is no record prior to 1961 the committee has invalidated the caste claim of the petitioner as belonging to Rajput Bhamta, N.T. The

Vigilance is also not against the Petitioner. Subsequently, in the year 2008 the father of the petitioner has been issued validity certificate as belonging to Rajput Bhamta, N.T. Even the service book of the father of petitioner records the caste as Rajput Bhamta. Learned counsel for the petitioner submits that validity certificate is issued in favour of the father of the petitioner after following the due procedure.

2. We have heard the learned A.G.P. also.

3. Learned A.G.P. submits that considering the evidence on record and contrary evidence appearing the caste claim of the petitioner has been rightly invalidated. The evidence that was considered while validating the caste certificate of the father of the petitioner is not on record, as such cannot be relied.

4. We have considered the submissions of respective parties, so also have gone through the judgment and the documents on record.

5. The petitioner had produced voluminous documents wherein caste of the petitioner is recorded as Rajput Bhamta. Except the two documents, all documents shows caste as Rajput Bhamta.

6. We are not examining the said documents in detail. In view of the fact that subsequently in the year 2008 father of the petitioner has been issued validity certificate as belonging to Rajput Bhamta N.T.. The same would play a pivotal role for considering the claim of the petitioner for issuing validity certificate. It would be appropriate to remit the matter back to the committee so as to consider the evidence on record considered while validating the claim of the father of the petitioner. In view of the above, we pass the following order.

7. The impugned judgment and order invaliding caste claim of the petitioner as belonging to Rajput Bhamta, N.T. is quashed and set aside. The matter is remitted before the committee for deciding the validation proceedings in respect of the caste claim of the petitioner as belonging to Rajput Bhamta afresh. The petitioner is at liberty to produce the additional evidence before the Committee. The Petitioner shall appear before the committee on 18th May, 2015. The Committee shall endeavour to decide the same preferably within 6 months.

8. Rule accordingly is made partly absolute. No costs.
9. In view of disposal of the writ petition, pending civil application stands disposed of.

[A.I.S.CHEEMA, J.] [S.V.GANGAPURWALA,J.]
Dt.24/04/2015
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