

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 2242 OF 2012

Vishal s/o Rajkumar Kunte,
Age 22 Years, Occu: Student,
R/o Mukundwadi, CIDCO,
Aurangabad, Dist. Aurangabad.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.
2. The Scheduled Caste, Vimukta Jati,
O.B.C. & S.B.C., Welfare Caste Certificate
Verification Committee No.1,
(Through its Member Secretary),
Aurangabad Division, Aurangabad.

(Copy of R-1 & 2 to be served on
Govt. Pleader, High Court,
Bench at Aurangabad)

3. Maharashtra University of Health Science,
Through its Vice Chancellor,
Vani Road, Mhasrul, Nasik,
Dist. Nasik.
4. The Principal,
Swatantra Senani Uttamraoji Patil,
Nursing College, Aurangabad.
Venutai Chavan Bhavan,
Plot No.2, 3 & 4, Near S.T. Colony,
Mukundwadi, N-2, CIDCO,
Aurangabad, Dist. Aurangabad.

... RESPONDENTS

Mr. Ambadepradeep V., Advocate for the Petitioner.
Mr.D.B.Ghange, AGP for Respondent Nos.1 and 2.
Mr. K.M.Suryawanshi, Advocate for Respondent No.3.

CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 22nd January, 2015.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

1 Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2 The learned counsel for the Petitioner states that the Committee while invalidating the caste certificate of the Petitioner as belonging to "Yelam OBC" has not considered the relevant evidence on record, the oldest document of the year 1922 i.e. a copy of the citizen register showing the name of the great-grand father and his caste as "Yelam". The Committee has also failed to consider the vigilance report which completely supports the case of the Petitioner. The learned counsel submits that the statements of large number of persons are recorded by the vigilance wherein consistently they have stated that in that particular area, the persons possessing "Yelam" caste are also known as "Reddy".

3 The learned counsel further submits that the real uncle of the Petitioner on the basis of the same evidence, has been issued validity certificate as belonging to “Yelam OBC”. The said aspect has also not been considered properly.

4 The learned AGP submits that the school record of the Petitioner itself suggests that he does not belong to “Yelam OBC”. The genealogy and the relationship with the great-grand father has not been proved. In absence of the proof of the same, the Committee could not have relied upon the documents of the citizen register.

5 We have considered the submissions canvassed by the learned counsel for respective parties. The home inquiry conducted by the vigilance substantiates the case put forth by the Petitioner. It is totally in favour of the Petitioner wherein the statement of more 30 persons are recorded and it has been stated that the Petitioner belongs to “Yelam OBC”. Be that as it may, the genealogy is also produced on record. The father of the Petitioner has filed an affidavit of the said genealogy confirming that the said Vithoba is his great-grand father and the caste mentioned as against their name is “Yelam”. Even the real uncle of the Petitioner on the basis of the same evidence has been issued validity certificate as belonging to “Yelam” scheduled caste.

There is no other contra evidence on record. Even the vigilance has verified the documents in the name of the great-grand father of the Petitioner.

6 In light of the above, the impugned judgment of the Committee invalidating the caste claim of the Petitioner as belonging to “Yelam OBC”, is quashed and set aside. The Committee shall issue validity certificate to the Petitioner as belonging to “Yelam OBC”, expeditiously.

7 Rule is accordingly, made absolute. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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