

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

WRIT PETITION NO. 5255 OF 2013

Virusingh Anandsingh Bais .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Mrigesh D. Narwadkar, Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

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

DATE : 25TH FEBRUARY, 2015.

PER COURT :

. Mr. Narwadkar the learned counsel for the petitioner submits that, the caste claim of the petitioner as belonging to 'Rajput Bhamta' (Vimukta Jati) is invalidated only on the ground that there is no documentary evidence prior to 1961. The learned counsel submits that, there is not a single contra evidence on record. All the documents filed on record show that the petitioner is belonging to 'Rajput Bhamta' (Vimukta Jati). Even the service record of the petitioner's father of the year 1961 shows caste as 'Rajput Bhamta' (Vimukta Jati). According to the learned counsel, even vigilance has been conducted and vigilance is in favour of the petitioner. The statements of all the persons recorded are in favour of the petitioner. The school record of the

petitioner, his cousin brother shows the caste as 'Rajput Bhamta'. Even the cousin brother is issued the validity certificate as belonging to 'Rajput Bhamta'. The genealogy would also prove the same.

2. Mr. Patil the learned Additional Government Pleader submits that, though there is entry in the service book of petitioner's father's as belonging to Rajput Bhamta, however, the source of the said entry is not made clear. According to the learned Additional Government Pleader, there is not a single document prior to 1961, suggesting the caste of the petitioner as 'Rajput Bhamta'. The committee has rightly considered the said aspect.

3. With the assistance of the learned counsel for the respective parties we have gone through the judgment and documents relied and the record.

4. It is clear that there is not a single contra document which suggests the contra entry. All the entries in the school record of the petitioner consistently records the caste as 'Rajput Bhamta'. The service record of the petitioner's father also records the caste as 'Rajput Bhamta'. The cousin brother of the petitioner has been awarded with validity certificate of 'Rajput Bhamta' (Vimukta Jati). Even the vigilance report is in favour of the petitioner. As such it was erroneous on the part of the

respondent No. 2/committee to negative the claim of the petitioner only on the ground that document of prior to 1961 was not available. The evidence on record corroborates and leads to only one conclusion that the petitioner belong to the 'Rajput Bhamta' caste.

5. In light of the above, the impugned order is quashed and set aside. The respondent No. 2/Committee shall issue the validity certificate to the petitioner as belonging to 'Rajput Bhamta' (Vimukta Jati). The writ petition is accordingly disposed of. No costs. The record is returned back to the learned Additional Government pleader.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]