

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

WRIT PETITION NO. 5485 OF 2015

AVINASH BALDEVSING PATIL
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Petitioner : Mr. Wani Girish V.
AGP for Respondents: Mr. S.S Tope

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 20, 2015

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PER COURT :-

1. Mr. Wani, the learned counsel for the petitioner states that, caste claim of the petitioner as belonging to 'Rajput Bhamta' has been illegally and erroneously rejected by the Committee. Learned counsel submits that, petitioner's cousin brother has been issued the validity certificate as belonging to 'Rajput Bhamta', however, same has not been properly considered. Even the petitioner has passed affinity test. Said aspect has not been considered by the Authority. Learned counsel submits that, only because there is no document prior to 1961 that would not be sufficient to negate the claim of the petitioner. Learned counsel further submits that school record of the petitioner shows caste of the petitioner as "Rajput Bhamta". According to learned counsel, totality of the evidence has not been considered. Learned counsel submits that petitioner has been admitted in B.E. (Electrical) Engineering course and has also appeared for third year examination. Result is also declared. According to the learned counsel admission needs to be protected.

2. Mr. Tope, learned AGP submits that petitioner could not prove any documents showing caste as 'Rajput Bhamta'. The Committee has rightly considered the said aspect. Committee has considered the documents and other relevant aspects of the matter and has rightly arrived at the conclusion.

3. We have considered the record and judgment delivered by the Committee. Except school record of the petitioner, none of the record relied by the petitioner supports the case of the petitioner. Even in School record of the father of the petitioner, caste is mentioned as Hindu Rajput. Even in respect of cousin brother of the petitioner, caste is mentioned as Hindu Rajput Non BC. There is no other document which would show caste of the petitioner as 'Rajput Bhamta.' The Committee has also considered all aspects in its proper perspective.

4. The petitioner is already admitted to B.E. Electrical Engineering Course and now petitioner is in final year of the B.E. Course. There is no finding of any fraud or mis-representation played on the part of the petitioner by the committee. Considering the above, we pass following order.

ORDER

I. Judgment of the Committee invalidating the caste claim of the petitioner as belonging to 'Rajput Bhamta Vimukta Jati' is upheld.

II The petitioner shall not be refrained from completing his B.E. Electrical Engineering Course only on the ground that his caste claim is invalidated, however, hence forth the petitioner will not be entitled for the benefit of reservation in future studies, employment or any walk of life.

III. The petitioner shall be liable to pay full fees as is applicable to the students from open category.

5. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-