

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6981 OF 2013

Sandeep S/o Prancis Shelke
Age 38 years, Occ-Service
R/o Umbari, Tq. Sangamner
Dist.Ahmednagar

.. PETITIONER

Versus

- 1] Divisional Caste Certificate
Scrutiny Committee No.1
Nashik Division, Nashik.
Through its Member Secretary
- 2] The Chief Executive Officer
Zilla Parishad, Ahmednagar
- 3] The Panchayat Samiti, Rahuri
Tq. Rahuri, Dist.Ahmednagar.
- 4] The Zilla Parishad Primary School
Brahmni, Tq. Rahuri,
Dist.Ahmednagar
Through its Head Master.

..RESPONDENTS

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Mr.H.U.Dhage, Adv. For petitioner
Mr.K.G.Patil, AGP for Respondent no.1
Mr.S.T.Shelke,Adv. For respondent no.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 3rd February, 2015.**

ORAL JUDGMENT : [PER S.V.GANGAPURWALA,J.] :

Rule. Rule made returnable forthwith. With the consent of parties, Petition is taken up for final hearing.

2] The learned counsel for petitioner submits that the committee committed an error while invalidating caste claim of the petitioner as belonging to Mahar Scheduled Caste. According to the learned counsel, all the documents consistently show that the petitioner belongs to Mahar caste. Learned counsel submits that only on the ground of report of the vigilance and the statement of some persons, the committee should not have come to the conclusion that the petitioner is Christian. The learned counsel submits that the Catholic Church, Songaon has given certificate that no Baptisma has been performed of the petitioner. The learned counsel submits that the petitioner and his family even perform all the rites and rituals as per the Mahar caste. Learned counsel submits that on the death of mother of petitioner, Dashkriya Vidhi was performed as is performed in Mahar caste. The statement given by brother has been relied. It is also stated that though there is Photograph of Yeshuchrist, he professes Mahar religion. Learned counsel relies on judgment of Division

Bench of this Court in the case of **Dipak S/o Yohan Shinde V/s State of Maharashtra and others reported in 2014(5) MLJ page 252.**

3] Mr.,Patil, learned AGP submits that though the documents produced by the petitioner show that the petitioner belongs to Mahar caste, however, petitioner and his family profess Christian religion. The vigilance has conducted detail enquiry. The committee upon consideration of the vigilance report has rightly considered the said aspect and has negated the claim of the petitioner.

4] We have considered submissions canvassed by learned counsel for respective parties. The documents produced on record i.e. the school leaving certificate of the petitioner, his brother and grand father, all show Mahar caste. There is absolutely not a single contra evidence on record. Reliance is placed on the report of the vigilance. We have considered said report of the vigilance as has been discussed by committee. The brother in his statement has stated that they all belong to Mahar. In his house, there is photograph of Yeshuchrist. Though he believes in that but still he professes Hindu Mahar caste. The explanation is given that at the house of his father, the Father i.e. Christian Priest used to come home and he kept name of his father, however, they profess Mahar religion. There is nothing on record to show that the petitioner has converted to Christianity. There is nothing on record to satisfy that the father and his family have been outcaste from the community of Mahar and they have converted to Christianity.

5] The documents on record unequivocally go to show that the petitioner belongs to Hindu Mahar caste which is notified as Scheduled Caste. Even there is no record of Baptisma being performed on the petitioner. Considering all the aforesaid aspects of the matter, judgment of the committee is quashed and set aside. The committee shall issue validity certificate to the petitioner in respect of his caste certificate as belonging to Mahar Scheduled Caste. Rule accordingly made absolute in above terms. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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