

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

WRIT PETITION NO. 10314 OF 2015

Smt. Kalpana Tukaram Pardeshi ... PETITIONER

VERSUS

The State of Maharashtra
& others ... RESPONDENTS

Mr. N.L. Choudhari, advocate for petitioner.
Mr. S.N. Kendre, AGP for the State.

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**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 14th October, 2015**

PER COURT:

1. The conduct of the counsel appearing for petitioner, according to us, is not befitting the status of the advocate although the counsel represents the elected body of the advocates at State level. It is found that the counsel insists on reading the orders which are irrelevant for consideration of the matter. Apart from this, he is indulging in raising voice unnecessarily which is not conducive for maintenance of sanctity and decorum in the Court.

2. Petitioner is challenging order passed by the Scrutiny Committee, invalidating her caste claim. Petitioner claims to be belonging to 'Rajput Bhamta' caste which is categorised as Vimukta Jatis and, sought benefits in respect of employment on the basis of reservation policy.

Caste certificate issued in favour of petitioner came to be referred to the Scrutiny Committee for verification and, after observing the procedure prescribed under law, the Scrutiny Committee proceeded to reject the validation claim of petitioner. In order to substantiate her claim, petitioner places reliance on the certificate itself which records her caste as 'Pardeshi Bhamta'. School record of petitioner indicates the date of admission to the school as 04.06.1984 and records her caste status as 'Hindu Pardeshi' whereas school record of the father of petitioner indicates date of admission to school as 08.06.1963 and also records his caste as 'Hindu Pardeshi'. Apart from this, school record in respect of real uncle of petitioner by name Chunnilal Baburao Pardeshi is placed on record wherein the date of his admission to the school is recorded as 15.06.1966 and his caste is also recorded as 'Hindu Pardeshi'. School record of another uncle of petitioner by name Jeevan Baburao Pardeshi is also placed on record wherein the date of his admission is recorded as 24.06.1976 and, in the caste column, it is recorded that he belongs to 'Hindu Pardeshi' caste. School record pertaining to grand father of petitioner indicates date of his admission to school as 01.09.1928 and his caste is also recorded as 'Hindu Pardeshi'. On the basis of this evidence in respect of petitioner herself and her blood relations, including her father and real uncles, the Scrutiny Committee proceeded to direct invalidation of caste certificate of petitioner. Petitioner insists to look into the record pertaining to her cousin brother by name Akash Jeevan Pardeshi and nephew Ashish Pardeshi, who have been issued validation

certificate by the Scrutiny Committee. Petitioner also contends that her cousin uncle by name Nilkanth Pardeshi has also been issued validation certificate. It is thus contended that since the cousin brother and cousin uncle have been issued validation certificate, it was incumbent upon the Scrutiny Committee to consider said evidence and, it was not open to direct invalidation of the caste certificate. The argument advanced is irrelevant for the reason that the school record of petitioner herself indicates her caste as 'Hindu Pardeshi' whereas the school record of her father and two real uncles also record their caste status as 'Hindu Pardeshi'. On consideration of contra evidence, which is brought to the notice of the Committee, prima facie, we do not find any irregularity or illegality in the order passed by the Scrutiny Committee.

3. Reliance is placed on a judgment in the matter of Siddheshwar s/o Ramkiisan @ Ramkrushna More Vs. The Divisional Caste Certificate Scrutiny Committee decided on 30.01.2015 wherein it is observed that it is the callus attitude of the Scrutiny Committee in harassing the citizens by not relying upon the certificates of near relatives while rejecting the status claim of the petitioners therein. In the judgment cited as bar, reliance is placed on a judgment in the matter of Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in **2010(6) Mh.L.J. 401** wherein it has been observed by the Division Bench of this court that record in respect of caste validation of near relatives forms the basis of consideration of claim of validity and the

same shall be given due weightage. In the matter of Siddheshwar (cited supra), it was observed by the Division Bench that due weightage was not given to the record of near relatives although there was a consistent evidence in respect of the caste status of petitioners who were before the Court. In Apoorva's matter also, it was not indicated anywhere that there is any contra evidence placed on record in respect of petitioner therein. However, in the instant matter, the distinguishing feature is that there is contra evidence in respect of petitioner herself as well as her father and two real uncles and their caste status is recorded in documents produced on record as 'Hindu Pardeshi'. On the basis of the documentary evidence brought before the Committee, according to us, the view taken by the Committee appears to be reasonable and proper and does not call any interference. Petition is devoid of substance hence stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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