

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 825 OF 2014

Harshal Ramsingh Patil

... Petitioner

Vs

1. State of Maharashtra & Ors.

... Respondent

Mr. R.K. Mendadkar with Mrs. Helen Koli Mandlik for the
Petitioner.

Mrs. Sushama Bhende, AGP, for the Respondent Nos.1 to 4.

**CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**

WEDNESDAY, 06TH JANUARY, 2016

P.C. :

1. This petition under Article 226 of the Constitution of India questions the order passed on 29th November, 2013, by the Divisional Caste Scrutiny Committee No. 1, Nashik.

2. On this petition, an ad-interim order came to be passed after hearing both sides on 22nd April, 2014.

3. Thereafter, we have not found any reply having been filed by the respondents.

4. In the light of the materials placed on record, we grant Rule. Respondents waive service. By consent, Rule is made returnable forthwith.

5. The short point on which the order passed by the Scrutiny Committee is assailed is that the immediate family members of the petitioner have been granted Caste Certificate scertifying them as belonging to Rajput Bhamta Vimukta Jati, and so far as the petitioner is concerned, the Caste Certificate has not been validated. The ground assigned is that the petitioner will have to independently establish and prove his claim as belonging to Rajput Bhamta Vimukta Jati.

6. Our attention is invited to the order passed by the Scrutiny Committee and impugned in this petition. On a perusal of the said order with the assistance of both counsel, we find that the Scrutiny Committee does not dispute that the petitioner is a family member. The genealogy at page 17 which is referred in

the order passed by the Scrutiny Committee states that the petitioner's father has been issued a Caste Certificate. His father Ramsingh Vitthal Patil obtained a Caste Validity Certificate as well on 8th January, 2010. Prior to the same, even the brother of the petitioner was issued a Caste Validity Certificate on 18th October, 2010.

7. The genealogy with the identity was placed before the Committee. The Committee has not found any fault with the same. Thus, the family tree was supported by an affidavit. Copies of the Caste Validity Certificates issued in favour of the petitioner's father and real brother were also placed before the Committee.

8. The argument of Mr. Mendadkar is that the Committee discarded these Caste Validity Certificates on the specious ground that merely because immediate family members have been issued such certificates, the Committee is not obliged to grant that relief to the petitioner automatically. The Committee faults the certificates issued in favour of the father and real brother of the

petitioner by terming them as being based on an unreasoned order.

9. We do not see any reason for such an approach on the part of the Committee. Even the learned AGP appearing for the respondent Nos.1 to 4 finds it difficult to support such an approach of the Committee and in the teeth of the overwhelming evidence. Once it is undisputed that Anand Ramsingh Patil, the real brother of the petitioner, has been certified as belonging to the same caste and the Caste Validity Certificate is issued in his favour, and Ramsingh Patil being the father of both the petitioner and the said Anand and he also being accordingly granted the certificate, then we do not see any reason to sustain the order passed by the Committee by which a certificate was denied to the petitioner.

10. Our view in the peculiar facts set out above is in terms of the law laid down by this Court in a Division Bench judgment in the case of *Apoorva d/o Vinay Nichale vs. Divisional Caste*

*Scrutiny Committee No. 1 & Ors.*¹ as also a prior judgment in the case of *Mahesh Pralhadrao Lad vs. State of Maharashtra*.²

11. We need not go into any larger or wider issue. Once we find that there is no dispute about the factual material placed before the Committee and the approach of the Committee in the peculiar facts cannot be sustained, then the Writ Petition must succeed. Rule is made absolute in terms of prayer clause (a).

12. The Writ Petition, accordingly, stands disposed of.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.

¹ 2010 (6) Mh.LJ 401

² 2009 (2) Mh.LJ 90