

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6236/2015.

Sanjay Kisansingh Raghuwanshi

-VERSUS-

The Divisional Caste Certificate Scrutiny Committee No.1, Amravati and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : JULY 05, 2016.

Heard Ms. R.D. Raskar, learned Counsel
for the petitioner and Shri N.S. Khubalkar, learned
A.G.P. for respondent nos. 1 and 4. None appears for
respondent nos. 2 and 3, though served.

2. Learned counsel for petitioner submits that
as Committee has not recorded any finding of fraud or
manipulation, petitioner who got certificate showing
that he is Rajput Bhamta by caste, needs to be
protected. She points out that said certificate came to
be issued when the petitioner was minor.

3. Learned A.G.P. has invited our attention to

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order dated 13.10.2015 delivered by the respondent no.1 Committee. He contends that as the petitioner himself accepted that he does not belong to Rajput Bhamta (VJ-A), his claim was not required to be verified further, and thus the petitioner has avoided any adverse finding.

4. After delivery of judgment in case of **Arun Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457)**, the legal position is very clear. The Scrutiny Committee has to record a finding about bonafides or otherwise of the claimant before it. The order passed by the committee is after the delivery of said judgment by the Full Bench, therefore, though the petitioner does not press his caste claim, Scrutiny Committee ought to have considered the material on record and pointed out fraud or manipulation, if any, on his part.

5. Date of birth of petitioner is 03.05.1965, and caste certificate is issued to him on 27.03.1981 i.e. before he attained majority. In this situation, we find petitioner entitled to protection of his employment as per the judgment of Full Bench (supra).

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6. Accordingly, subject to petitioner filing an undertaking within a period of six weeks with the Registry of this Court, with his employer as also with respondent no.1 Scrutiny Committee that neither he nor his progeny shall claim status as a person belonging to Rajput Bhamta (VJ-A), his service shall remain protected in terms of the Full Bench judgment (supra).

7. In view of this, Writ Petition is disposed of.
No costs.

JUDGE

JUDGE

Rgd.