

FARAD CONTINUATION SHEET NO.
 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 APPELLATE SIDE, BENCH AT AURANGABAD
CIVIL APPLICATION NO.2565 OF 2017
IN
WRIT PETITION NO. 4780 OF 2012.

Ketan S/o Vijaysing Rajput Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.R.Patil, advocate for the applicant.
 Mr.R.B.Bagul, A.G.P. for the State.
 Mr.A.K.Tiwari, advocate for Respondent No.3.
 Mr.K.C.Sant, advocate for Respondent No.5.

**CORAM : S.V.GANGAPURWALA AND
 K.L.WADANE, JJ.**

Date : 24.02.2017.

PER COURT :

1. Heard.
2. Mr.Patil, learned counsel submits that the caste claim of the petitioner as belonging to Rajput Bhamta has been invalidated. The learned counsel submits that the School record of the petitioner, his sisters shows the caste recorded as Rajput Bhamta. In the School record of the father only religion is mentioned and not the caste. The learned counsel submits that the father of the petitioner has been granted validity certificate by the Committee of Rajput Bhamta V.J. on 4.6.2009. Two real sisters of the petitioner are

granted validity certificates on 31.5.2005 and 30.5.2001. In spite of the validities granted to the father and two real sisters of the petitioner, the claim of the petitioner is invalidated. The learned counsel submits that the Committee has only considered that in the School record of the father, caste is mentioned as Hindu. The same is religion and not the caste. Even the father of the petitioner is given the benefit of Rajput Bhamta caste in service.

3. Learned A.G.P. submits that the father of the petitioner is given validity only because earlier the sister was given the validity. The learned A.G.P. further states that there is contra evidence on record. Earlier the entry in the service book was of Rajput. Even the entry in the School record of the sister was Rajput and with the order of the Education Officer, the same is corrected.

4. Perusal of the judgment, it is manifest that the Committee has only discussed the documents and has not discussed anything about the affinity, the same is also relevant.

5. Be that as it may, the father of the petitioner has been granted the validity certificate of Rajput Bhamta. Two real sisters of the petitioner have been given validity certificates of belonging to Rajput Bhamta. All these certificates are granted after 2001, meaning thereby that the same is after Vigilance. The School record of the father can not be said to be a contra evidence. In the column of caste, only Hindu is recorded. The same is a religion

and not the caste. The same can not be construed as a contra evidence. The School record of the petitioner depicts caste recorded as Rajput Bhamta.

6. Considering the aforesaid aspects, the impugned judgment and order is quashed and set aside. The Respondent Committee shall issue validity certificate to the petitioner of Rajput Bhamta – V.J. expeditiously, preferably within two (2) months.

7. The Respondent Nos.3 and 4 shall hand over the copies of the documents of the petitioner with them if there is no other legal impediment.

8. Rule accordingly made absolute in above terms. No costs.

9. In view of disposal of Writ Petition, the Civil Application also stands disposed of.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.24.02.2017.
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