

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3915 OF 2002

Sachin Macchhindra Rajput ,
Age: 17 Years (Minor),
Through his natural guardian and
father: Shri Macchhindra Phulchand Rajput,
Age: 50 Years, Occu.: Service,
R/o.: Talegaon-Shelgaon,
Tal.: Jamner, Dist.: Jalgaon .. **Petitioner**

Versus

1. The State of Maharashtra.
2. The Divisional Caste Certificate
Scrutiny Committee, Nasik.
3. The Dean,
Lokmanya Tilak Municipal
Medical College, Sion,
Greater Mumbai.
4. The Sub-Divisional Officer,
Jalgaon. .. **Respondents**

Shri U. R. Aute h/f Shri S. B. Talekar, Advocate for the
Petitioner.

Mrs. R. P. Gour, A. G. P. for Respondent Nos. 1, 2 and 4.
None for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 7th September, 2017

ORAL ORDER (PER MANGESH S. PATIL, J.) :

1. Being aggrieved by the rejection of validity certificate issued to the petitioner of 'Rajput Bhamta' scheduled tribe, the petitioner has come in this writ petition.

2. According to the learned advocate, no opportunity of being heard was extended to him in deciding the claim. There were ample documents supporting his claim which were ignored. The committee was in error in insisting for pre-1961 documents. Besides, his paternal cousin by name Ashok Lalsingh Rajput has also been certified to be 'Rajput Bhamta', which fact also has not been taken into consideration by the committee. Lastly, it is submitted that one of the three members of the scrutiny committee was absent and the matter could not have been decided by the remaining two members alone.

3. The learned A. G. P. supports the order.

4. It is apparent from the impugned order that, the committee did consider various documents furnished by the petitioner. Not only that, but even on the petitioner's own showing, he was called upon to meet the observations of the vigilance committee and he had tendered his say though the impugned order does not specifically mention in so many words about having considered the say. All the documents furnished by the petitioners apparently show that the entries as 'Rajput Bhamta' were taken most probably objectively since they belong to the recent past.

5. Per contra, the School Leaving Certificate of the paternal grand father of the petitioner mentions that he belonged to 'Rajput' caste. No explanation is forthcoming for such a record which apparently refutes the claim of the petitioner as belonging to 'Rajput Bhamta'.

6. As far as, certificate of validity issued to the paternal cousin of the petitioner is concerned admittedly it was issued in the year 1998 and in all probabilities without their being any vigilance enquiry. In the absence of any record to show that any such enquiry was conducted, no weight can be attached to it as the circumstance supporting the petitioner.

7. Under these circumstances when the basic documents available before the committee were contrary to the petitioner's claim, no weight can be attached to the validity certificate issued to his cousin.

8. As regards the absence of one of the members constituting the committee is concerned, the learned advocate for the petitioner has not pointed out any rule laying down that in the absence of coram, the decision of the committee arrived at by the majority of the members is invalid. Therefore, even this submission of the learned advocate cannot be accepted.

9. In the circumstances, we are satisfied that the scrutiny committee has objectively considered the material available before it and has rejected the claim which calls for no interference.

10. The writ petition is dismissed. Rule is discharged. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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