

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

WRIT PETITION NO. 8270 OF 2013

Ashwini Shirishkumar Pardeshi ...Petitioner

VERSUS

Divisional Caste Certificate
Scrutiny Committee ...Respondent

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Shri M.S.Zarekar, advocate for petitioner
Shri , A.G.P. for respondent nos. 1 and 2

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 20th January, 2017

O R D E R :-

1. Heard.

2. Rule. Rule returnable forthwith. With the consent of the parties, the petition is taken up for final hearing.

3. The Respondent No.3 though served, none appears for Respondent No.3.

4. Mr. Zarekar, learned counsel for petitioner

strenuously contends that the validation proceedings in respect of the caste claim of the petitioner as belonging to Rajput Bhamta – V.J. was referred to the Committee. The Committee invalidated the same ignoring the old document of the real grand father of the petitioner, wherein in the service record the caste is shown as Rajput Bhamta. Learned counsel submits that even the School record of the petitioner depicts the caste of the petitioner as Rajput Bhamta. The validity certificates in favour of the cousin uncle and aunt of the petitioner are also not considered in proper perspective by the Committee. The Vigilance report is in favour of the petitioner. The Home Inquiry conducted by the Vigilance also supports the cause of the petitioner. The judgment of the Committee be set aside.

5. Learned A.G.P. submits that the record of the father of the petitioner shows caste as Pardeshi Rajput. The same is contra evidence. In respect of the validities issued in favour of the cousin uncle and aunt of the petitioner, the record which was considered by the Committee at that time is not produced. Only because validities are issued in favour of near

relatives, that can not be the sole criteria for issuing validity to the petitioner. As far as service record of grand father of the petitioner is concerned, the first page does not record any caste. Th same is in engligh. On the next page written in Marathi, the caste is recorded as Rajput Bhamta. The Committee has rightly ignored the same.

6. We have considered the submissions canvassed by the learned counsel for respective parties. The document i.e. the copy of the service book of the petitioner's grand father is a old document prior to 1961. The said document was produced before the Committee, however, the same is not referred to the Vigilance. The Vigilance could have verified the said document along with the original. The same would assist the Committee in coming to just conclusion. The said document being old will have high probative value. So also the Committee could have called for the record and proceedings, wherein validity is issued in favour of the paternal cousins of the petitioner. Instead of doing so, the said validities are brushed aside without considering the record therein and the effect of the same.

7. Considering above, it would be appropriate for the Committee to get the service record of the grand father of the petitioner verified by Vigilance and also to call for the record in respect of the validity proceedings of the paternal cousins of the petitioner to whom validity is granted and the said certificates produced on record.

8. The impugned judgment and order as such is quashed and set aside.

9. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 6.2.2017. The Committee shall decide the said proceedings afresh in light of the above observations.

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

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)