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

**WRIT PETITION NO. 1040 OF 2016**
**WITH**
**CIVIL APPLICATION NO. 16006 OF 2016**
**IN**
**WRIT PETITION NO. 1040 OF 2016**
(Sagar Bharatsing Patil Vs. The State of Maharashtra and others)

---

Mr. Yogesh B. Bolkar, Advocate for the petitioner
Mr. P.S. Patil, A.G.P. for the respondent/State

---

**CORAM : S.V. GANGAPURWALA AND SANGITRAO S. PATIL, JJ.**

**DATE : 22nd MARCH, 2017**

**ORAL ORDER :**

Heard.

2. The caste claim of the petitioner as belonging to Rajput Bhamta – Nomadic Tribe (N.T.) is invalidated.

3. Mr. Bolkar, the learned counsel for the petitioner submits that the father of the petitioner has been issued with validity certificate of Rajput Bhamta (N.T.) in the year 1995. The real uncle of the petitioner has also issued with the validity certificate of Rajput Bhamta in the year 1998. The first cousin brother of the petitioner has been issued validity

certificate of Rajput Bhamta (N.T.) in the year 2012. Inspite of this evidence, the Committee has invalidated the caste claim of the petitioner. The learned counsel submits that even in the school record of the petitioner, the caste of the petitioner is recorded as Rajput Bhamta. The petitioner has also successfully passed the affinity test. The vigilance cell report is in favour of the petitioner. All these aspects are not considered by the Committee.

4. Mr. P.S. Patil, the A.G.P. submits that basic school record of the father of the petitioner shows his caste as Rajput. Even in respect of cousin brother of the petitioner, the record shows the caste as Rajput. The validity certificates in favour of the father and real uncle of the petitioner have been issued without conducting the vigilance cell enquiry. The same has rightly not been relied. Even in respect of the cousin brother of the petitioner, though the validity certificate is issued in the year 2012, no vigilance cell enquiry is held. It is also seen that the grandfather of the petitioner was allotted the land and was doing agricultural work, which was not the

occupation of the persons of Rajput Bhamta (N.T.).

5. We have considered the submissions. The school record of the petitioner depicts the caste of the petitioner as Rajput Bhamta. The record of the father of the petitioner shows his caste as Rajput. The validity certificates are issued in favour of the father, real uncle and cousin brother of the petitioner as Rajput Bhamta. In such case, the affinity test also would be relevant. It does not appear that the affinity test has been considered by the Committee properly. The traits, characteristics, etc. are not at all discussed or considered. Ofcourse, the affinity test in itself would not be sufficient to prove the caste. However, it would be a corroborative evidence.

6. Considering the above, the impugned order is quashed and set aside. The parties are relegated before respondent No. 2-Committee. The petitioner shall appear before the Committee on 12th April, 2017. The Committee shall conduct the affinity test and thereafter decide the proceedings of the caste claim of the petitioner afresh after hearing the petitioner and considering all the relevant evidence, the affidavits. The same shall

be decided expeditiously and preferably within six months from the date of appearance of the petitioner before the Committee.

7. With the above directions, the Writ Petition is disposed of. No costs.

[**SANGITRAO S. PATIL**]
**JUDGE**

**[S.V. GANGAPURWALA]**
**JUDGE**

npj/wp1040-2016