

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 10389 OF 2016

Vishal s/o Bhagwanrao Chandel ... **Respondents**
Age 24 years, Occu: Student
R/o Chatrapati Nagar, Near Pawade
Mangal Karyalaya, Purna Road,
Nanded, Dist. Nanded

VERSUS

1. The State of Maharashtra
Departmenta of Cultural Affairs &
Social Justice, Mantralaya,
Mumbai 32
2. The Divisional Caste Certificate
Scrutiny Committee No.2,
Aurangabad Division, Latur
Through its Member Secretary
3. The Sub Divisional Magistrate,
Nanded
4. The Principal, ... Respondents
Sinhagad Institute of Technology,
Kusqaon (Bk) Lonawala 410401

Advocate for Petitioners : Mr. S. C. Yeramwar h/for Mr. Chavan Sudhir K.
Addl. GP for Respondents 1 to 3: Mrs. M. A. Deshpande

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

DATE : 17th January, 2017

ORAL JUDGMENT(Per S. V. Gangapurwala, J.):

1. Heard the learned counsel for the parties.
2. Rule. Rule made returnable forthwith. With consent of parties, the petition is taken up for final

disposal.

3. Caste claim of the petitioner as belonging to 'Rajput Bhamta' Vimukta Jati was referred to the Scrutiny Committee. The Scrutiny Committee invalidated the caste claim of the petitioner. Aggrieved thereby, the present petition.

4. Mr.Yeramwar, the learned counsel for the petitioner states that the only reason for invalidating caste claim of the petitioner is that old documents are not produced on record. The learned counsel submits that there is not a single contra evidence. All the documents of the petitioner, brother, sister and real uncle of the petitioner show the caste as Rajput Bhamta. Even vigilance enquiry is conducted. Vigilance has not found any interpolation in the original record. Home enquiry also supports the case of the petitioner. The reason given by the committee to discard the recent documents is erroneous.

5. The learned Additional Government Pleader states that the documents produced on record are of recent time. No documents prior to the notification of 1961 is produced on record. According to the learned Addl. GP, even the school record in respect of father of the

petitioner does not show caste as Rajput Bhamta. All these aspects are rightly considered by the Committee.

6. We have considered the judgment delivered by the Committee and the documents referred therein. On perusal of documents produced on record, it is manifest that there is not a single contra evidence on record. Entire school record of the petitioner, petitioner's brother, sister shows the caste Rajput Bhamta. Even the school record of real uncle of the petitioner shows caste recorded as Rajput Bhamta. In respect of school record of the father of the petitioner, no caste is recorded. Only 'Hindu' is recorded. The same would be the religion. Vigilance has conducted enquiry and has found that the documents produced by the petitioner are in consonance with the original record. There is no interpolation in any of the record. Home enquiry also supports the case of the petitioner.

7. In view of the consistent record and more particularly not a single contra evidence is on record, case of the petitioner deserves to be accepted.

8. In light of above, the impugned judgment and order is quashed and set aside.

9. Respondent No.2 Committee shall issue validity certificate to the petitioner as belonging to Rajput Bhamta, Vimukta Jati.

10. Rule is made absolute accordingly. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC