

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

WRIT PETITION NO. 5697 OF 2015

Charulata Bhanudas Rane

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Kalyan Patil, Advocate h/f Shri S. R. Barlinge, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri N. B. Suryawanshi, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2018.

FINAL ORDER :

. The learned counsel for the petitioner states that, the real brother of the petitioner is issued with the validity certificate in the year 2009 as belonging to Rajput Bhamta caste. The validity was issued after undergoing vigilance. All the documents on record in the present matter were placed before the Committee in the matter of real brother of the petitioner namely Rakesh Rane. The learned counsel further submits that, even Rule 5 and 16 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of

Issuance and Verification of) Caste Certificate Rules, 2012 (for short "Rules of 2012") are amended and in view of the Rules of 2012, the petitioner would be entitled for the validity certificate.

2. The learned Assistant Government Pleader for respondent Nos. 1 and 2 submits that, there is contra evidence on record. The validity in favour of the brother of the petitioner Rakesh was granted on the basis of validity issued to one Pramod Khemchand Rane. As such same would not inure to the benefit of the petitioner.

3. We have gone through the record of the validation proceeding of the brother of the petitioner namely Rakesh Rane. All the documents which are relied in the present proceeding were before the Committee while granting validity to Rakesh except school record of the present petitioner.

4. It is also matter of record that, the real brother of the petitioner Rakesh is granted the validity certificate. Rule 16 of the Rules of 2012 reads thus.

**Amendment in rules of Maharashtra Scheduled Castes,
De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes,
Other Backward Classes and Special Backward Category
(Regulation of Issuance and Verification of) Caste
Certificate Rules, 2012.**

1.

Rule 16. Information to be supplied by applicant.--

(a)

(h) attested copy of decision of Scrutiny Committee and of Validity Certificate of applicant's father in blood relation or real uncle or any other relative of the applicant in blood relation from paternal side, if any.

Explanation.--(1) Mere production of above referred documents doesn't mean that applicant had discharged burden of proof.

(2) Applicant shall undertake production of original documents as and when required by the Scrutiny Committee.

(3) If an applicant submits the application along with the caste validity certificate of his father in blood relation or real uncle or any other blood relative from paternal side and if he has applied for the same caste of which above mentioned validity certificate is issued, in such case the name of such applicant alongwith the caste validity certificate of his father in blood relation or real uncle or any other blood relation from paternal side submitted by him will be displayed on the web site of Dr. Babasaheb Ambedkar Research And Training Institute, Pune (BARTI) as well it will be displayed on the notice board of the concerned District Caste Certificate Scrutiny Committee. It will be conveyed to register objection if any about the request of an applicant within 15 days from such publication.

If no objections or complaints are received with regard to such application then District Caste Certificate Scrutiny Committee will issue caste validity certificate without asking for other documents of proof by considering that validity certificate as an important evidence.

If any objections or complaints are received on the application, the District Caste Certificate Scrutiny Committee will make an enquiry within the maximum period of sixty days from the receipt of such complaints or objections.

If no substance is found the District Caste Certificate Scrutiny Committee will issue the validity certificate to the applicant. If any substance is found in objections or complaints the District Caste Certificate Scrutiny Committee will take decision about claim of the caste verification of concerned applicant by following prescribed office procedure and the decision about the caste validity will be taken."

5. Considering the fact that, real brother of the petitioner is granted validity certificate and majority of the evidence on record in the present matter was before the Committee while granting validity to the real brother Rakesh, so also considering rule No. 5 and 16 of the Rules of 2012, it would be appropriate for the Committee to reconsider the decision. Therefore, it would be just to remit the matter back to the Committee.

6. It is submitted that, the petitioner was terminated on 23.06.2015 on account of her claim being invalidated.

7. As we are remanding the matter back to the Committee, we set aside the impugned order passed by the committee, so also set aside the termination order and direct the respondent No. 3 to reinstate the petitioner within a period of eight (08) days from today. The petitioner shall not be entitled for backwages from the date of termination till the date of joining. However, said period can be considered for continuity. The reinstatement of the petitioner would always be subject to the decision of the committee in validation proceedings. The petitioner shall appear before the Committee on 26.02.2018. The committee shall endeavour to decide the validation proceedings afresh expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall co-operate in expeditious disposal of the proceedings. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]