

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

WRIT PETITION NO. 2318 OF 2014
WITH
CIVIL APPLICATION NO.7363 OF 2014
WITH
CIVIL APPLICATION NO.8814 OF 2015

Payal d/o Pradipsing Rajput,
Age 22 years, Occu.Student,
r/o Gut No.76, Plot No.23,
Harshavardhan colony,
Nimkhedi Shivar, Jalgaon,
District Jalgaon

..Petitioner

Versus

1. State of Maharashtra,
through Principal Secretary,
Social Justice Department,
Mantralaya, Mumbai 400032
2. The Principal Secretary,
Higher & Technical Education
Department, Mantralaya,
Mumbai 400 032
3. Divisional Caste Scrutiny
Committee, Kanushri tower,
Badgujar plot, Parola road,
Dhule, through its Secretary/
President
4. College of Engineering &
Technology, Bambhori,
Post Box No.94, Jalgaon
through its Principal
5. The North Maharashtra University
U.M.V. Nagar, Jalgaon, Dist.Jalgaon
through its Registrar

..Respondents

Mr P.R. Patil, Advocate for petitioner
Mr S.G. Karlekar, A.G.P. for respondents no.1 to 3
Mr A.G. Talhar, Advocate for respondent no.4 absent
Mr Y.B. Bolkar, Advocate h/f Mr A.B. Girase, Advocate for respondent
no.5

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 18th January 2018

PER COURT

1. The caste claim of the petitioner as Rajput Bhamta is invalidated. Aggrieved thereby, the present petition.
2. Mr Patil, learned Counsel for the petitioner submits that the father of the petitioner has been issued with the validity certificate of Rajput Bhamta - V.J. The school record of the petitioner also records caste as Rajput Bhamta. Even the school record of the father of the petitioner records caste as Rajput Bhamta.
3. Mr Karlekar, learned A.G.P. submits that the petitioner could not prove his case. There is no record prior to 1950, which has more probative value and the said record of the great grandfather of the petitioner is against the petitioner. It does not record the caste Rajput Bhamta. On the contrary, it records the caste as 'Hindu Rajput' only and the same was as per record submitted by petitioner and on vigilance, it was found that the caste is 'Suryawanshi Rajput'.
4. The learned A.G.P. submits that one of the documents of the petitioner shows caste as 'Hindu Rajput' and not 'Rajput Bhamta'. The learned A.G.P. further submits that only because the blood relative i.e. father has been granted validity certificate that would not ipso facto permit grant of validity certificate to the petitioner as the basic record is against the petitioner. The Committee has rightly passed the order.

5. We have considered the submissions. What was the record before the Committee at the time of issuance of validity certificate in favour of the father of petitioner has not been discussed by the Committee. We had asked the learned A.G.P. to produce record of validation proceeding in respect of father of the petitioner. Learned A.G.P., now on instructions submits that the same cannot be traced out.

6. In case of father of the petitioner, one school record records caste is recorded as 'Rajput Bhamta' and in another school record caste is recorded as 'Hindu Rajput'. The school record of the petitioner shows caste as 'Rajput Bhamta', whereas the record of the great grandfather of the petitioner records caste as 'Suryawanshi Rajput'. Father of the petitioner is already issued with validity certificate. It would be necessary to consider the record submitted in the validation proceedings of the father of the petitioner, same will be relevant.

7. Considering the above, we pass the following order.

8. The impugned order passed by respondent no.3 - Committee dated 31.12.2013 is hereby set aside.

9. The matter is remanded back to respondent no.3 - Committee for decision afresh after considering the validity granted to the father of the petitioner and the record of the proceedings of the father of the petitioner. The Committee shall also consider the amendment to Rule 16 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward

Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2012.

10. The proceedings may be decided by the Committee within one year from the date of appearance of petitioner.

11. It is stated that now the Committee has been constituted at Jalgaon. The petitioner may appear before the Committee at Jalgaon on 5.2.2018. The Committee at Dhule may transfer the proceedings to Jalgaon if the record is not yet transferred, as it is stated that the Committee at Jalgaon is having jurisdiction to decide the validation proceedings.

13. Writ Petition disposed of. No costs.

14. In view of disposal of Writ Petition, Civil Applications stand disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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