

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

WRIT PETITION NO.9419 OF 2015

- . Shital d/o Padamsing Rajput
@ Shital w/o Alok Maher
Age: 33 years, Occu.: Service,
R/o.Jamner, Tq.Jamner,
Dist.Jalgaon.
At present R/o C-14, Vishal
Apartment,
Jyoti Nagar, Aurangabad,
Tq. & Dist.Aurangabad. ..Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Social Justice Department,
Mantralaya, Mumbai - 32.
2. Deputy Secretary,
General Administration Department,
Mantralaya, Mumbai - 32.
3. Divisional Caste Certificate
Scrutiny Committee No.2,
Dhule, Dist.Dhule.
Through its Member Secretary. ..Respondents

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Ms.Pradnya Talekar, Advocate for Petitioner.
Mrs.P.V.Diggikar, AGP for Respondents/State.

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**CORAM : S.V.GANGAPURWALA AND
SUNIL K.KOTWAL, JJ.**

DATE: 11th June, 2018

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

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel for the parties, petition is taken up for final disposal at the admission stage.

2. Ms.Talekar learned counsel for the petitioner submits that the caste claim of the petitioner as belonging to 'Rajput Bhamta (VJ)' was referred to the Committee and the Committee has invalidated the caste claim of the petitioner.

3. The learned counsel submits that at the relevant time, the petitioner could not place on record caste validity certificates issued in favour of real sister and real brother of the petitioner. The real sister has been issued with caste validity certificate on 21.05.2005, whereas real brother has been issued with caste validity certificate on 29.09.2012. At the relevant time, the relations between the petitioner and her real brother and real sister were strained and as such the said documents were not available and could not be brought on record. The caste validity certificates are issued to the real brother and

real sister of the petitioner after conducting vigilance enquiry. The learned counsel further submits that the Judgment of the Committee is without considering the said documents and as such deserves to be set aside.

4. The learned AGP submits that the school record of the petitioner and her father records caste as 'Hindu Rajput'. The record is old one and the same is contra-evidence. Affinity with the caste also could not be proved. As the basic record is against the petitioner, the Committee has rightly invalidated the claim of the petitioner.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. No doubt, the Committee is required to consider the documentary evidence on record and old record has high probative value.

7. Considering that the petitioner has produced on record copies of validity certificates issued in favour of her real sister and real brother, these validity certificates would be relevant piece of evidence. Of-course, the manner in which the validity is issued has also to be considered by the committee.

8. Considering the above, we are inclined to grant one more opportunity to the petitioner to produce caste validity certificates issued in favour of her real brother and real sister before the Committee, so as to facilitate the Committee to examine the caste validity.

9. In the light of above, the impugned Judgment and order is quashed and set aside. The petition is relegated back before the Committee.

10. The petitioner shall appear before the Committee on 02.07.2018. The petitioner shall place on record copies of caste validity certificates issued in favour of her real brother - Vishal Padamsing Rajput and real Sister - Ranjana Padamsing Rajput before the Committee.

11. The Committee shall consider the record of the files issuing validity certificates to the real brother and sister of the petitioner and shall consider afresh the claim of the petitioner.

12. Considering the fact that the matter is remitted back to the Committee, the Committee shall endeavour to take decision expeditiously, preferably within six months from the date of

appearance of the petitioner.

13. Rule is made absolute in the above terms. No costs.

(**SUNIL K.KOTWAL, J.**) (**S.V.GANGAPURWALA, J.**)

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