

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Misc. Civil Application (Review) No.709 of 2018 in
Writ Petition No.6175 of 2010 (D)

(Ku.Yogita d/o. Jagansing Thakur .vs. Divisional Caste Scrutiny Committee, Amravati and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.R.R.Deshpande, Advocate for the applicant.
Mr.J.Y.Ghurde, A.G.P. for Respondent No.1.

CORAM : P. N. DESHMUKH &
MRS.SWAPNA JOSHI, JJ.

DATE : 20.7.2018.

1. Heard Mr.R.R.Deshpande, learned Counsel for the applicant.
2. By this application review of Judgment of this Court passed in Writ Petition No.6175 of 2010 with Writ Petition No.488 of 2011, dt.4.4.2017 is prayed.
3. Challenge in Writ Petitions numbered above was to the order passed by the Caste Scrutiny Committee in Case No.1438/2008-09, decided on 10.12.2010. By the impugned Judgment which is under review, the above petitions came to be dismissed. Admittedly, against the said Judgment and Order, Special Leave Petition No.14449 of 2017 was preferred before the Hon'ble Supreme Court, which came to be rejected on 8.5.2017. It is not in dispute that, in spite of rejection of the Special Leave Petition as aforesaid, review is tenable. Hence, we have entertained

the review application.

4. Mr.R.R.Deshpande, learned Counsel for the applicant while canvassing its case had referred mainly to the fact of non-consideration of case of cousin of petitioner namely Shailendra who is granted Caste Validity Certificate in his favour holding him to be of caste “Rajput Bhamta” and has, therefore, prayed that, in view of non-consideration of said fact and in view of observations of this Court in the case of Apoorva s/o. Vinay Nichale .vs. Divisional Caste Certificate Scrutiny Committee No.1 and Others reported in 2010 (6) Mh.L.J. 401, review application be allowed.

5. In the background of submissions advanced as aforesaid, we have consciously gone through the record as well as the impugned Judgment wherein, in clear words, it is observed that no case is made out in favour of the petitioners in view of fact that word “Bhamta” came to be inserted in the admission register by dot pen, though part of this entry was written in ink. The Court further found that handwriting in the register is extremely good, whereas the word “Bhamta” is written in bad handwriting with different ink. As such, it is noted that there was vast difference in handwriting thereby establishing inserting of word “Bhamta” in the register.

6. The second limb of submission advanced by the learned Counsel is with regards to non-consideration of Certificate issued in the name of Shailendra, cousin of

petitioners. However, it is material to note that, while considering the petitions out of which present review arises, this Court, in clear terms observed that - in Writ Petition filed by Shailendra being Writ Petition No.243 of 2006, this Court had not called for the original records and had considered photostat copies of relevant entries in the admission register. It is further noted that such copies may not give correct picture of the original entries, as such copies will never show that one entry is in ink and the other entry is made by a dot pen or with different coloured ink. After observing as aforesaid, it is held that since in the case of Shailendra, original admission register was not called for, it was not fit for the Court to rely upon the case of Shailendra and thus, no such consideration was found necessary.

7. Lastly, in similar set of facts, the learned Counsel for the petitioners referred to the Certificate issued in respect of Shailendra based on his relations with Kailasingh Thakur and Jaising Madmat, which appears to have been duly considered. However, it appears that, inadvertently in respect of name of Kailassing Thakur, name of Vijay Solanke came to be mentioned along with Jaising Madmat and on considering the same, the Caste Scrutiny Committee held that, on perusal of family tree and other material, it is not established that the petitioners have any relationship with either of them and as such, without interfering with the observations of the Committee, this Court held that the claim sought by the petitioners is based on tainted evidence and fraud and as such, further held that it would not be

necessary to blindly rely on the Validity Certificates of relatives, more particularly ignoring the fraud as noted by the Court. Accordingly, this Court did not find it necessary to interfere with the findings of the Caste Scrutiny Committee. In that view of the matter, we find no substance in the review application. Same is thus disposed of as dismissed.

JUDGE

JUDGE

**jaiswal*