

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
WRIT PETITION NO. 11569 OF 2014

Divya Vijendra Girase
Age : 20 years, occu.: education
C/o Ramesh U. Rajput
R/o Ramdev Baba Nagar, Amode,
Tal. Shirpur, District Dhule.

Petitioner.

Versus

1. State of Maharashtra
Through Director of Technical
Education, Maharashtra State,
Mumbai-3, Mahapalika Marg,
Post Box No.1967, Mumbai.
2. Principal,
Vishwakarma Institute of
Technology (An Autonomous
Institute Affiliated to University
of Pune), 666, Upper Indiranagar,
Bibwewadi, Pune.
3. Divisional Caste Certificate
Scrutiny Committee, Nashik
No.2 at Dhule.

Respondents.

Mr. P.B. Patil, Advocate for the petitioner.

Mr. P.N. Kutti, A.G.P. for respondent Nos.1 and 3.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 17 January 2019.

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. By consent of both sides, heard for final disposal.

2. The proceeding is filed to challenge the decision of Caste Scrutiny Committee given on 10.09.2014 by which the claim of the petitioner that she belongs to 'Rajput Bhamta' is rejected by the Scrutiny Committee.

3. This Court has carefully gone through the order made by the Scrutiny Committee. The order shows that it was specific contention of the petitioner that one Satish Kamalsing Girase is the cousin of her grandfather and because the validity certificate was issued in his favour on 27.04.2011. She had placed reliance on some revenue record like mutation entries showing the relationship of her grandfather with the predecessor of Satish Kamalsing Girase. The Committee held that the cousin of her grandfather cannot be called as blood relative and further

observed that there was relation between grandfather and great grandfather of Satish Kamalsing Girase, but refused to accept that record and dismissed the claim.

4. This Court has independently considered the record, which includes the genealogy in respect of Satish Kamalsing Girase in whose favour the certificate of validity was issued by Caste Scrutiny Committee. There is revenue record and old record like heirship register showing that Maharusing Dala and Shankar Dala were entered into revenue record and there were two more legal representatives of Dala, who is called as Dalesing by Satish. In the tree, it is mentioned that Maharusing was the son of Dala and Onkarsing was the son of Maharusing. Pandit is the son of Onkarsing and Pandit was grandfather of present petitioner Divya. There is school record to show that the complete name of father of Divya was Vijendra Pandit Girase and there is record in respect of Pandit Onkarsing Girase also. This record needs to be considered by Caste Scrutiny committee as on the basis of the same genealogy the validity certificate is issued in favour of Satish Girase.

5. Learned Counsel for the petitioner placed reliance on the decision given by this Court in Writ Petition No.3010 of 2011 decided on 20.02.2014 (Mayuri Ashoksing Patil Vs. State of Maharashtra and another) and also **2006 (4) Mh.L.J. 676 (Varsha Ramsing Dhanavat Vs. State of Maharashtra)**. In both the matters this Court had asked the Caste Scrutiny Committee to consider the circumstances like issuance of caste validity certificate in favour of close relative of the claimant, who was blood relative. In the present matter also, in view of the aforesaid record, it cannot be said that cousin of grandfather of the petitioner cannot be treated as blood relative of predecessor of Satish. They are the descendants from the same common ancestor Dala and that contention is accepted in the case of Satish Kamalsing Girase in the other matter by Caste Scrutiny Committee.

6. So, the petition is allowed and following order is made:-

- (a) The impugned order passed by the Scrutiny Committee is quashed and set aside;
- (b) The matter is remanded back to the Committee for a de-novo enquiry.

- (c) The petitioner shall appear before the Committee on 7 February 2019, alongwith copy of this order.
- (d) We direct the Committee to re-verify and re-scrutiny the caste claim of the petitioner in the light of the available material, without being influenced by the earlier order of the Committee or findings recorded therein.
- (e) The Committee shall pass fresh order in accordance with law, within a period of six months from the date of appearance of the petitioner before it.

7. Rule is made absolute in above terms.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/