

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION/***

WRIT PETITION NO.5847 OF 2016

Rajendra Bapurao Angre and Anr. ... Petitioners

Vs

State of Maharashtra

Through Secretary and Ors. ... Respondents

...

Adv. Pinaz Contractor for the Petitioners.

Mr. Jagdish G. Reddy for the Respondent No.4.

Mr. Y.S.Khochare, AGP for Respondent Nos.1 to 3.

CORAM : B.P.DHARMADHIKARI &

SANDEEP K. SHINDE JJ.

DATE : AUGUST 27, 2019

P.C. :

The short question is whether after receipt of a family tree in response to notice in Form 25 under Rule 17 Sub-rule 13 of Caste Certificate Rules, 2012, the Vigilance Committee should have been asked to re-verify the claim.

2 Family tree earlier submitted, did not contain any reference to Narayan as one of the sons of Ravji Angre. It appears that revenue records relied upon by the petitioners contained reference to said Narayan or to his descendants. Vigilance Report,

therefore, in paragraph 3 found relationship with five persons mentioned in chart in that paragraph not substantiated it. It, however, accepted the relationship with Bhagu Ravji Angre as cousin brother of the great grand-father of the respondent no.4.

3 Respondent No.4 thereafter while replying to show-cause notice corrected the family tree and added Narayan as brother of Bhaguji in family tree. It appears that the Caste Scrutiny Committee has then proceeded to accept relationship with Narayan also and relied upon caste entries of lineal descendants of Narayan.

4 Petitioners, who had objected to caste claim of the respondent no.4 submit that mere identity in names could not have misled the committee when in family tree Narayan was not disclosed, addition of Narayan later on should have been verified and effort should have been made to find out whether Bhaguji relied upon by the petitioners and Bhaguji, who may be said to be brother of Narayan are one and the same.

5 Our attention is also drawn to other documents on record ,which according to the petitioner, mentioned different caste and,

therefore, militate with the caste claim of the respondent no.4.

6 The learned AGP as also learned counsel appearing for the respondent no.4 submit that when relationship with Bhaguji is accepted by the Vigilance Cell and Committee, such a technical objection should not be allowed to prevail and inadvertent error has been corrected and missing name has been added to family tree.

7 The exercise of caste verification proceeds through home enquiry and verification of old documents by the Vigilance Cell. In this situation, if at the relevant time Narayan was not disclosed to be son of Ravji Angre by anybody and the Vigilance Cell, therefore, found certain documents not acceptable and relationships not established, the Committee after defence of inadvertent error and addition of Narayan in family tree, should have again submitted papers to the Vigilance Cell to ascertain the truth. This assumes importance because in documents of Narayan, caste has been mentioned as 'Kunbi' while in other documents caste has been recorded either 'Maratha' or 'Marathi'.

8 One may also mention here contention of the

respondents that 'Marathi' is not caste.

9 However, as the procedure prescribed has not been followed and the respondent no.4 has been permitted to add to family tree after vigilance enquiry, we are willing to give respondent no.4 one more opportunity to show his relationship with Narayan.

10 Only for that purpose, we restore the matter back to the file of the respondent no.2-Committee.

11 We direct petitioners as also respondent no.4 to appear before the respondent no.2-Committee on 1st October, 2019. The Committee shall on that day call for report of Vigilance Cell on claim of Respondent No.4-Umesh about his relationship with Narayan and after giving parties an opportunity again, pass fresh order on validity or otherwise of the caste claim of the petitioners.

12 This exercise shall be completed within next six months.

13 Status-quo operating today to continue till then and this interim order shall cease to operate automatically thereafter subject to final order of the Scrutiny Committee.

14 Petition is partly allowed and disposed of.

(SANDEEP K. SHINDE, J.)

(B.P.DHARMADHIKARI, J.)