

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

WRIT PETITION NO. 1741 OF 2021

Nidhi d/o Narendrasing Rajput

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr Prakashsing B. Patil, Advocate for petitioner
Mr A.R. Kale, A.G.P. for respondents no.1 and 2
Mr M.D. Narwadkar, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30th January 2021

PER COURT :

1. The caste claim of the petitioner as belonging to Rajput Bhamta - V.J. is invalidated.
2. Mr Patil, learned Counsel for petitioner submits that the real uncle of the petitioner namely Sanjay Surendrasing Rajput is issued with the validity certificate of Rajput Bhamta - V.J. Akashsing Sanjaykumar Rajput, the son of the paternal uncle of the petitioner is also issued with the validity certificate of Rajput Bhamta. The learned Counsel submits that the contra entry considered by the Committee in the school record of the grandfather of the petitioner Surendrasing was also subject matter of consideration while granting validity to Sanjaykumar, real paternal uncle of the petitioner. The learned Counsel relies on the judgment of this Court in case of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, reported in **2010 (6) Mh.L.J. 401**.
3. The learned A.G.P. submits that the contra entry of the year 1963 would play vital role in proving the caste. The school entry of the grandfather of the petitioner of the year 1963 records the caste as Hindu Rajput. The same is

contra entry. The petitioner could not prove her caste. The Committee has rightly considered the said aspect.

4. It appears from the genealogy placed on record by the petitioner that the paternal uncle Sanjaykumar Surendrasing Rajput is issued with the validity certificate and his son Akashsing is also issued with the validity certificate. The petitioner has placed on record the objection received while granting validity to Sanjaykumar Surendrasing Rajput.

5. The documents relied by the petitioner appear to have been also subject matter of consideration and the reference of the school record of the grandfather Surendrasing recording caste as Rajput was also subject matter of consideration in case of Sanjaykumar. The other entries in the school record of the petitioner, her father, uncle appear to be recorded as Rajput Bhamta.

6. The learned A.G.P. submits that the Committee has decided to issue show-cause notices to the paternal uncle of the petitioner and his son to whom validations are issued.

7. In light of above, we pass the following order :

8. The Committee shall issue validity certificate to the petitioner as Rajput Bhamta - V.J. immediately.

9. The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioner.

10. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)