

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

03 WRIT PETITION NO.14680 OF 2021

MOHIT S/O RAJSING DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. P.B. Patil, Advocate for the petitioner.
Mr. S.B. Pulkundwar, A. G. P. for the respondent/State.

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. The caste claim of the petitioner as 'Rajput Bhamta VJ' is invalidated.
2. The learned counsel for the petitioner submits that father of the petitioner Rajsingh is issued with validity certificate of 'Rajput Bhamta VJ'. Other paternal relatives of the petitioner Jidnesh is also issued with validity certificate of 'Rajput Bhamta VJ'. The vigilance was conducted while issuing validity to father of the petitioner. There is contra entry of 1929 of the grandfather of the petitioner and also contra entry in respect of cousin uncle of the petitioner. The same were subject matter of consideration while issuing validity certificate to the father of the petitioner.
3. The learned AGP submits that the Committee has considered the contra entries brought on record by the Committee. They were not subject-matter while issuing validity certificate to father of petitioner. According to learned AGP, validity was issued to the father of petitioner on the basis of validity issued to Jidnesh.

4. We have considered the submissions, it appears that father of the petitioner is issued with validity certificate of 'Rajput Bhamta VJ'. One paternal cousin Jidnesh is issued with validity certificate. The contra entries, as per the Committee, were also on record while issuing validity to the father of the petitioner and cousin. These contra entries were not suppressed while issuing validity to the father of petitioner and cousin.

5. Considering the contra entries validity is issued to the father of petitioner and paternal relatives. Validity is issued to the paternal relatives is a relevant fact. A reference can be made on the judgment of the Division Bench of this Court in the case of **Apporva Vinay Nichale Versus Divisional Caste Certificate Scurtiny Committee No.1 and others** reported in **2010 (6) Mh.L.J. 401.**

6. In the light of above, we pass the following order.

(i) The Committee shall issue the validity certificate to the petitioner of 'Rajput Bhamta (Vimukta Jati)', immediately.

(ii) In case the Committee reopens the validity proceedings of the father of the petitioner, then present validity would be subject to the decision that would be taken by the Committee in the said proceedings.

7. Writ Petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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