

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12724 OF 2016

Pradip s/o Bansilal Biradar,
Age - 18 years, Occ. Student,
R/o Loni, Tq. Udgir, Dist. Latur

...PETITIONER

Versus

1. The State of Maharashtra,
Department of Social Justice and Special
Assistance, Mantralaya, Mumbai-32,
Through its Secretary
 2. The Divisional Caste Certificate
Scrutiny Committee No.2 (Social Welfare),
Aurangabad Division, Latur,
Through its Chairman
 3. The Sub-Divisional Magistrate,
Udgir, Dist. Latur
 4. Sou. Venutai Chavan Polytechnic,
S. No.44/1, Vadgaon - Ambegaon (Bk),
Off. Sinhgad Road, Pune-411041
- ...RESPONDENTS

Mr V.U. Jadhav, Advocate for the petitioner;
Mr S.N. Kendre, A.G.P. for respondents No.1 to 3;
Mr A.P. Bhandari, Advocate for respondent no.4

**CORAM : SUNIL P. DESHMUKH
AND
ABHAY AHUJA, JJ.**

DATE : 15-01-2021

ORAL JUDGMENT (Per Sunil P. Deshmukh)

Rule. Rule made returnable forthwith. Heard learned Counsel appearing for parties finally by consent.

2. Petitioner's tribe claim of him being 'Rajput Bhamta' stands negatived under order impugned in the present matter, passed by respondent no.2 committee and thus, the petitioner is before us under present writ petition.

3. Learned counsel appearing for petitioner Mr Girish Kulkarni, holding for Mr Vivek Jadhav vehemently submits, this court had an occasion to deal with the very similar matter in the case of Vishal Bhagwanrao Chandel, who had also been Rajput Bhamta, while his case had been declined to be considered by the committee and further refers to that, under the order dated 17-01-2017 in writ petition no. 10389 of 2016, the Division Bench had directed the committee to issue tribe validity certificate to said petitioner to be 'Rajput Bhamta' – Vimukta Jati.

4. He purports to point out that as in aforesaid case, there is not a single contra evidence on record in present case as well and all the documents of near relatives of petitioner show that their tribe is 'Rajput Bhamta'. Vigilance cell in the present matter, as in the said case has not found anything objectionable in the record. The home inquiry supports petitioner's case. In paragraph 4 of said order, submissions to aforesaid effect on behalf of petitioner have been referred to as well as submissions on behalf of the committee about that, there had been no pre 1961 document on record and that the record is of recent origin,

have also been taken into account. Learned Counsel draws our attention to paragraph 6 from said order, which reads as under :

“ We have considered the judgment delivered by the Committee and the documents referred therein. On perusal of documents produced on record, it is manifest that there is not a single contra evidence on record. Entire school record of the petitioner, petitioner’s brother, sister shows the caste Rajput Bhamta. Even the school record of real uncle of the petitioner shows caste recorded as Rajput Bhamta. In respect of school record of the father of the petitioner, no caste is recorded. Only ‘Hindu’ is recorded. The same would be the religion. Vigilance has conducted enquiry and has found that the documents produced by the petitioner are in consonance with the original record. There is no interpolation in any of the record. Home enquiry also supports the case of the petitioner.”

5. He submits additionally, there is one more document, but the same has not been relied on by the committee. In 1952, there had been a sale deed referring to petitioner’s great grandfather being Rajput Bhamta, giving glimpse of family being Rajput Bhamta.

6. In present matter as well, there is not a single contra evidence on record. The school record of petitioner and his close relatives, viz. his father, real paternal uncle, grand-father and cousin aunt are placed on record. It has also been referred to that deputy superintendent of Police, viz. Vigilance Cell Officer conducted school inquiry and home inquiry and his report is in favour of petitioner. No manipulation nor any interpolation has been pointed out.

7. Having regard to that, there is consistent record showing petitioner and his close relatives to be '*Rajput Bhamta*' - Vimukta Jati, it appears to be expedient in present matter, to follow the course chartered under order passed by this court in writ petition no. 10389 of 2016, dated 17-01-2017.

8. As such, impugned judgment and order dated 12-05-2016 passed by respondent no. 2 - The Divisional Caste Certificate Scrutiny Committee No. 2 (Social Welfare), Aurangabad Division, Latur is set aside. Respondent no. 2 - committee is directed to issue validity certificate to petitioner of being '*Rajput Bhamta*' - Vimukta Jati immediately.

9. Rule is made absolute in above terms and writ petition is disposed of.

(ABHAY AHUJA)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

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