

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.929 OF 2021

Vishwajit s/o Parasram Ingle,
Aged about 20 years,
Occupation – Education,
R/o. Utarad, Tah. Chikhali,
District Buldhana

...PETITIONER

VERSUS

The District Caste Certificate
Scrutiny Committee,
Buldhana,
through its Chairman

...RESPONDENT

Shri N.B. Kalwaghe, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the respondent.

**CORAM : A.S. CHANDURKAR AND
URMILA JOSHI-PHALKE, JJ.**
DATED : SEPTEMBER 07, 2022.

ORAL JUDGMENT (Per Urmila Joshi-Phalke, J.)

Heard learned counsel for the parties.

2. **RULE.** Rule made returnable forthwith.

3. The order passed by the Scrutiny Committee dated 21/05/2019 invalidating the claim of the petitioner as 'Rajput-Bhamta' is under challenge in this petition.

4. As per the contention of the petitioner, he belongs to "Rajput-Bhamta" caste which is recognised as "Vimukta Jati (A)" by the State of Maharashtra which is placed at serial No.10 in the list of De-notified Tribes (Vimukta Jati). The Sub-Divisional Officer, Buldhana had issued a caste certificate in favour of the petitioner. The petitioner was taking education in Maharana Pratap Junior College, Beralga, Taluka Chikhali, District Buldhana in the year 2016. The caste claim of the petitioner was forwarded by the College to the respondent-Committee for verification. Accordingly, Vigilance Enquiry was conducted. After receiving Vigilance Report, the Committee had issued show cause notice to the petitioner which was replied by the petitioner. It is the contention of the petitioner that though he has produced documents of pre-independence era and his cousin uncle Ganesh Vikram Ingle had obtained the Caste Validity Certificate on the basis of the same documents. The Vigilance Committee had also referred the same in the Vigilance Report, however, the Committee had not considered the same and invalidated the claim of the petitioner. The order passed by the Vigilance Committee is illegal, illogical, unjustified and liable to be set aside.

5. The contention of the petitioner is denied by the respondent-Committee by filing their reply and contenting that the petitioner failed to prove that he belongs to “Rajput-Bhamta” as there are adverse entries, therefore, the order passed by the Caste Scrutiny Committee is justified. Hence, no interference is called for.

6. Heard Shri N.B. Kalwaghe, learned Counsel for the petitioner. He submitted that though the petitioner had produced the documents of pre-independence era as well as his cousin uncle was issued the Caste Validity Certificate after Vigilance Enquiry, Scrutiny Committee has not considered the same. The petitioner has produced the documents and the same documents are relied upon by the Vigilance Committee in its report but the Scrutiny Committee had not considered the same and passed illegal order. In support of his contention he relied upon the order passed by this Court in ***Writ Petition No.3623/2014 (Jivan s/o Madhukar Parihar Vs. The Divisional Caste Certificate Scrutiny Committee No.2, Akola)*** ***decided on 13/02/2015*** wherein it is held that insofar as the non-entering of “Bhamta” in the old record is concerned, it has been contended by the petitioner that since that entry was stigmatic, the ancestors did not put that entry after Rajput. He submitted that the adverse entry pointed out by the Scrutiny Committee is in some documents “Bhamta” is not written. As “Bhamta” is stigmatic,

therefore, his forefathers were not using the same and this Court has held that being a stigmatic word, the ancestors did not put this entry after "Rajput". The Committee has not considered the same and invalidated the claim illegally.

7. On the other hand, Shri A.S. Fulzele, learned Additional Government Pleader had supported the order passed by the Scrutiny Committee and submitted that the order is justified and legal one and no interference is called for.

8. After hearing both the sides and after perusal of the record it reveals that the petitioner in support of his claim produced on record the caste certificate issued by the Divisional Officer on 05/02/2014. He had also produced the school leaving certificate showing his caste as "Rajput-Bhamta". Besides his school leaving certificate he also produced on record school leaving certificate of his father Parasram Baliram which also shows that caste was recorded as "Bhamta Rajput". He also produced on record the school leaving certificate of his cousin grandfather Baliram Sidhu Ingle whose birth date was recorded as 01/07/1935 and caste was recorded as "Rajput". It is further apparent that his cousin uncle Ganesh Vikram Ingle was issued a Caste Validity Certificate showing that he belongs to "Rajput-Bhamta (VJ)" after the

Scrutiny Committee decision No.6006/2008-2009. The Caste Scrutiny Committee had invalidated the claim only on the ground that the petitioner could not prove his relationship with said Vikram Ingle. The petitioner by submitting the affidavit submitted his family tree which shows that Udaybhan Ingle was his great great-grandfather who had two sons Dhulaji, Bhagvanta and Kadtu. Dhulaji has one son by name Waman and Kadtu has one son by name Sidu. Waman had three sons namely Vikram, Bhagwan and Sardar whereas Sidu had three sons namely Sakharam, Madhavrao and Baliram. The present petitioner is the grandson of said Baliram and Ganesh is the son of Vikram who is the son of Waman. This family tree is nowhere denied or disputed by the Scrutiny Committee. It is held by the Division Bench of this Court in the case of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors. 2010 (6) Mh.L.J. 401* that where the caste claim of an applicant has been scrutinized and accepted and one Committee has given a finding about the validity of the caste another Committee ought not to refuse the same status to his/her blood relative who applies. It is further held that if the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the Committee testing the same evidence and making the same conclusion unless of course the Committee finds on the

evidence that the validity of the certificate of such relation has been obtained by fraud.

9. As in the present case, there is no dispute regarding the relationship between the petitioner and Ganesh to whom Validity Certificate was issued, the Scrutiny Committee ought to have considered the same and issued the Validity Certificate. The observation of the Scrutiny Committee that the petitioner has not proved the blood relationship is erroneous. The petitioner had also explained the relationship while replying the show cause notice issued by the Scrutiny Committee.

10. In the light of the above discussion, the order passed by the Scrutiny Committee is erroneous and liable to be set aside. Hence, we proceed to pass following order :

O R D E R

- (i) The Writ Petition is allowed.
- (ii) The order passed by the Scrutiny Committee, Buldhana dated 21/05/2019 is set aside.
- (iii) It is declared that the petitioner has proved that he belongs to 'Rajput-Bhamta' Vimukt Jati (VJ-A).

(iv) The Scrutiny Committee within a period of four weeks on receipt of copy of this judgment shall issue validity certificate to the petitioner.

11. Rule is made absolute in aforesaid terms. No costs

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

**Divya*