

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

WRIT PETITION NO.329 OF 2022

Minal Sanjay Gujar,
Aged 18 years,
Occupation – Student,
R/o. Gajanan Nagar,
Wardha

...PETITIONER

VERSUS

The Divisional Caste Certificate
Scrutiny Committee,
through its President,
Laxmi Nagar, Sewagram Road,
Railway Station Marg,
Wardha

...RESPONDENT

Shri R.S. Parsodkar, Advocate for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for the
respondent/State.

**CORAM : A.S. CHANDURKAR AND
URMILA JOSHI-PHALKE, JJ.**

DATED : AUGUST 10th, 2022.

JUDGMENT (Per Urmila Joshi-Phalke, J.)

RULE. Rule is made returnable forthwith.

3. The petitioner has challenged the order dated 27/10/2021 passed by the Scrutiny Committee thereby refusing to consider the petitioner's caste certificate for verification on the ground that there are some alterations in the transfer certificate issued by the School in respect of the caste. In the transfer certificate 'Bhamti' is inserted subsequently. According to the Scrutiny Committee, the documents which are on record are not sufficient to prove that the petitioner belongs to 'Bhamti' community and the documents produced are doubtful.

4. Learned Counsel for the petitioner submits that the documents of the pre-independence era i.e. the birth entry of grandfather-Laxman is dated 18/04/1933 and caste was recorded as 'Bhamti'. The entry of cousin grandfather-Dashrath shows birth date as 12/04/1927 and caste was recorded as 'Bhamti'. The validity to brother Bhavesh is already granted by the Committee. The vigilance report also shows that the ancestors are the resident of Bhamtipura, Taluka Wardha. Thus, these documents relied upon by the petitioner are sufficient to prove that she belongs to 'Rajput Bhamta'.

5. On the other hand, Shri D.P. Thakare, learned Additional Government Pleader for the respondent stressed upon the fact that there is alteration and addition in the School Transfer Certificate relied upon

the by the petitioner. The petitioner had produced the School Certificate of her School wherein her caste was mentioned as VJ but bracketed portion appears to be inserted subsequently. Therefore, the order passed by the Scrutiny Committee is justified.

6. Heard both the sides and perused the record.

7. As per the contention of learned Additional Government Pleader the entry regarding the caste of the petitioner in her transfer certificate as 'Bhamti' is inserted later on. Whether the said portion is inserted later on or not, could be ascertained from the original record which is lying with the school. Therefore, it is necessary to verify the said record and ascertain whether the bracketed portion 'Bhamti' is inserted later on or not. Admittedly, the documents of pre-independence era i.e. the birth entry of his grandfather-Laxman dated 18/04/1983 and birth entry of cousin grandfather-Dashrath wherein birth entry is recorded as 12/04/1927 shows the caste as a 'Bhamti'. It is also a part of record that the brother of the petitioner had received the caste validity certificate issued by the Committee.

8. We, therefore, proceed to pass the following order:

(a) The writ petition is allowed.

- (b) The impugned order dated 27/10/2021 passed by the Scrutiny Committee, Wardha is quashed and set aside.
- (c) The Scrutiny Committee shall verify the petitioner's caste claim by calling the original school record and giving due opportunity to the petitioner, within a period of six weeks from the date of receipt of the order.
- (d) The petitioner shall appear before the Scrutiny Committee, Wardha on 17th August, 2022.
- (e) Original record of Caste Scrutiny Committee be returned to the Scrutiny Committee, Wardha.

9. Rule is made absolute in the above terms. There will be no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

**Divya*