

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8458 OF 2018

Sagar S/o Vikram Belsare
 Age : 28 years, Occ.: Service as Police
 Constable, R/o. Shivaji Chowk,
 Chamedia Nagar, Yavatmal,
 Tq. & Dist. Yavatmal

.. Petitioner

Versus

1. State of Maharashtra,
 Through its Secretary, Social Justice and
 Special Assistance Department,
 Mantralaya, Madam Cama Road,
 Hutatma Rajguru Square,
 Mumbai – 400 032.

2. Divisional Caste Certificate Scrutiny
 Committee, Wardha, Through its
 Secretary, Tah. & Dist. Wardha.

3. Superintendent of Police, L.I.C.
 Chowk, Yavatmal, Tq. & Dist. Yavatmal.

4. Police Station Officer, Police Station,
 Babhulgaon, Tah. Babhulgaon,
 Dist. Yavatmal.

5. Sub-Divisional Officer, Wardha,
 Tah. & Distt. Wardha.

.. Respondents

 Mr.PPDhok, counsel for the petitioner.
 Mr.N.S.Rao AGP for respondent Nos.1 to

**CORAM : SUNIL B.SHUKRE &
 VALMIKI SA MENEZES JJ.**

DATE : 08.09.2022.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. Learned counsel for the petitioner has invited our attention to the copy of the document which is an extract of birth register for the years 1926 to 1932, wherein there is an entry standing in the name of Lahanu, who has been shown to be of “Mala Jangam” Scheduled Caste. According to the learned counsel for the petitioner, Lahanu is great grand father of the petitioner and this document sufficiently proves the caste claim of the petitioner.

4. The learned AGP submits that this entry is not found in the original birth register and this fact has been mentioned in the impugned order.

5. We have gone through the original register and we find that the entry being relied upon by the petitioner is not found in the original birth register. The original birth register is returned to learned AGP.

6. There is, however, one validity certificate issued to one Raju Belsare, who is the cousin of the petitioner. This certificate shows that Raju Belsare has been certified by Amravati Scrutiny Committee to be belonging

to “Mala Jangam” Scheduled Caste. Ordinarily, this certificate should have been accepted as a good proof of the caste claim of the petitioner. However, it has not been so accepted by the Scrutiny Committee here. The reason stated by the Scrutiny Committee is that the validity certificate having been issued by another Committee, over which the present Scrutiny Committee does not have jurisdiction, cannot be considered for any purpose by the present Committee. The reason is fallacious. A person holding a caste of tribe validity certificate issued in his favour by competent Scrutiny Committee can tender it in evidence as proof of his belonging to the caste or the tribe shown in the certificate. Thus, the validity certificate is a conclusive proof of the social status of that person. If something is a conclusive proof of social status of a person, same can be tendered in evidence by another person, who is a relative of that person from the paternal side and if, it is tendered in evidence, it must be appropriately considered by the Scrutiny Committee. Such evidence cannot be rejected by another Scrutiny Committee, simply for the reason that the certificate has been issued by a Scrutiny Committee, over which it has no jurisdiction. We, therefore, find that the reasoning adopted by the Scrutiny Committee is illegal and as such, the impugned order deserves to be quashed and set aside.

7. The impugned order is hereby quashed and set aside. The matter is remanded back to the Scrutiny Committee for fresh decision in

accordance with law. The fresh decision shall be rendered by the Scrutiny Committee as expeditiously as possible, preferably within six months from the appearance of the petitioner before it. The petitioner shall appear before the Scrutiny Committee on **26.09.2022**.

8. Rule is made absolute in the above terms. No costs.

(VALMIKI SA MENEZES,J)

(SUNIL B. SHUKRE,J)

Kavita