



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO. 6781 OF 2020

Ganesh s/o. Aabasaheb Dahe,
Age : 19 years, Occu : Education,
Original Resident of Manvat, Tq. Manvat,
Dist. Parbhani
At Present R/o. Malsona, Post : Dhasadi,
Tq. Parbhani, Dist. Parbhani.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Special Welfare Department,
Mantralaya, Mumbai.
2. The Member Secretary,
District Caste Scrutiny Committee
For S. C., V.J., N.T., O.B.C. & S.B.C.,
Committee Parbhani,
Dist. Parbhani.
3. The Principal,
College of Agriculture, Selu,
Tq. Selu, Dist. Parbhani

.. Respondents

...

Mr. H. V. Patil, Advcoate for the Petitioner
Mr. K. N. Lokhande, AGP for the Respondents No.1 & 2

...

CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.

DATED : DECEMBER 08, 2023

JUDGMENT (*Per* NEERAJ P. DHOTE, J.) :

1. Rule. Rule made returnable forthwith. Heard finally with
the consent of the parties and taken up for final disposal at the stage of

admission. Perused the papers on record.

2. Impugned in this Writ Petition filed under Articles – 226 and 227 of the Constitution of India, is the order dated 08.06.2020 passed by the Respondent No. 2 – Scrutiny Committee invaliding the petitioner's claim towards Rajput Bhamta, V.J. - A.

3. It is submitted by the learned advocate for the Petitioner that though the documents submitted before the Respondent No. 2 – Scrutiny Committee support the Petitioner's claim of Rajput Bhamta, Respondent No. 2 – Committee invalidated it on the ground that the document of the petitioner's father was of recent period and during the hearing the petitioner could not establish his claim. He further submitted that in the parental blood relation of the petitioner, validities are issued. He further submitted that at the relevant time when Respondent No. 2 – Scrutiny Committee was dealing with the petitioner's claim, the petitioner was of tender age and had submitted the genealogy without consulting his father or the elder family member, which was found to be incorrect. He further submitted that this Court in Writ Petitions No.1861, 1862, 1871, 2006 and 2008 of 2012 vide order dated 30.03.2012 and in Writ Petition No. 4842 of 2012 by order dated 24.07.2014 directed the concerned Scrutiny Committees to issue tribe validity certificates of Rajput Bhamta to the blood relatives of the

petitioner. He further submitted that in view of the material on record, the petition be allowed.

4. It is submitted by the learned AGP that the Respondent No.2 - Scrutiny Committee has rightly invalidated the claim as the petitioner could not prove the same by placing on record cogent material. He further submitted that the petition be dismissed.

5. Perusal of the papers on record show that the petitioner had submitted two genealogies before the Respondent No. 2 – Scrutiny Committee, which do not perfectly match. The vigilance report in the petitioner's matter is dated 08.08.2019, which shows that enquiry was conducted with the school of petitioner's father and the entry as 'Rajput Bhamta' was found in the school record. It further shows that the enquiry was made with the villagers. The impugned order shows that in the school record of the petitioner's father the entry was Rajput "Bha" and the same was in a different ink and handwriting and therefore, the Respondent No. 2 - Committee noted that it was not genuine. Whereas, there is a substance in the contention of the petitioner that the vigilance report nowhere states that the entry in school record as 'Rajput Bha' was in a different ink and handwriting. The Scrutiny Committee discarded the validity certificate of Rajeshwar Narhari Dahe, which was submitted by the petitioner in support of his claim by observing that the petitioner

could not establish blood relation with the said person. At the same time, according to the petitioner, this Court in the above referred matters has directed issuance of validity certificates to his blood relatives and the same are discarded.

6. Considering the overall aspects of the matter, as indicated above, we are of the considered view that the petitioner can be relegated to the Respondent No. 2 – Committee for re-examining his claim in accordance with the law by giving opportunity to him as contemplated in the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and Rules made thereunder. Hence, we proceed to pass the following order.

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 08.06.2020 passed by the Respondent No. 2 - Scrutiny Committee is quashed and set aside.
- (iii) The Respondent No.2 - Scrutiny Committee is directed to re-examine the petitioner's claim of 'Rajput Bhamta' (VJ.-A) in accordance with the law by giving appropriate opportunity to the

petitioner.

(iv) The petitioner shall appear before the Respondent No. 2 – Scrutiny Committee on 18.12.2023 and the Respondent No.2 shall decide the petitioner's claim within a period of four (04) months thereafter.

(v) The interim protection granted vide order dated 05.10.2020 to continue for a period of four (04) weeks or till the Respondent No.2 – Scrutiny Committee decides the proposal, whichever is earlier.

7. Rule is made absolute accordingly.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE