

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

WRIT PETITION NO. 10847 OF 2023

**HIMANSHU BHUPALSING RAJPUT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Petitioner : Mr. Bayas Anandsingh Sangramsingh
AGP for Respondents : Mr. A.A. Jagatkar

CORAM * : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 01 SEPTEMBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Learned counsel for both the sides finally at the admission stage.
2. The petitioner is challenging the judgment and order dated 25.07.2023, passed by the Scrutiny Committee, invalidating tribe certificate of the petitioner for 'Rajput Bamta' Vimukt Jati. The petitioner is relying upon the validity certificate of his father Bhupalsingh.
3. Learned AGP submits that the Scrutiny Committee is justified in rejecting the caste claim. There are contrary entries of the school record of the relatives of the petitioner. The Committee has taken a plausible view which cannot be interfered with. He would also submit that the genealogy produced on record is not matching.

4. We have noticed that the school record of Bharatsingh Omkarsingh Girase of 1949 indicates caste as Hindu Rajput. The school record was duly verified. Thereafter, he was issued with validity certificate by reasoned order. The entry in the school record of his father has a probative value and cannot be discarded.

5. Besides that in view of the principles laid down by Supreme Court in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**, the validity certificate of Bhupalsingh should enure to petitioner. The petitioner cannot be denied the social status.

6. Learned AGP would submit that the genealogy produced on record is suspicious. There is no evidence to show the caste was 'Rajput Bhamta'. The validity certificate of the father was based upon validity issued to Jaipal Devisingh Rajput, who is not related to the petitioner and his father.

7. It is disclosed during the hearing that the Committee is conducting re-verification. The objections of learned AGP referred above can be dealt with during re-verification. Any comment passed by us in that regard would cause prejudice to the proposed re-verification. However, ends of the justice would be met if the validity certificate of the petitioner is subjected to the outcome of re-verification. We,

therefore, cause an interference in the impugned judgment and order.

Hence, we pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 25.07.2023, passed by the respondent no. 2 – Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Rajput Bhamta’ Vimukt Jati, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]