

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

WRIT PETITION NO. 6238 OF 2023
WITH
CIVIL APPLICATION STAMP NO. 25093 OF 2023

GAURANG JAYPRAKASH SISODIYA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents : Mr. P.S. Patil
Advocate for Applicant in CA : Mr. S.N. Lale Yelwatkar
....

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

DATED : 10 AUGUST, 2023

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

1. Heard learned counsel for both the sides. Matter is taken up for final adjudication at the admission stage with their consent.
2. Initially, the Writ Petition was filed by the petitioner challenging order dated 04.11.2022, passed by the respondent no. 2 – Committee, invalidating caste claim of the petitioner for ‘Rajput Bhamta’ Vimukt Jati. The order under challenge is on record at exhibit ‘M’ which is without reasons. Thereafter, the petition is amended with the leave of the Court and reasoning part which was supplied to the petitioner is also challenged on added grounds.

3. Learned counsel for the petitioner submits that the impugned part of the judgment and order which is supplied subsequently is back dated. The petitioner is relying upon validity certificates of four persons. The petitioner should have been issued validity certificate.

4. Learned AGP has refuted all the submissions. According to him, the Committee did not commit any illegality. After considering old entries the caste claim was rejected. An original file of the petitioner is also placed on record for our perusal. We are informed that the Scrutiny Committee has decided to reopen the matters of the validity holders.

5. The petitioner has invited our attention to the genealogy which is at page no. 28. It appears that there are four validity holders who are the close relatives to support the petitioner including Dhanshree, Yashodeep, Durgesh and Chidanand. The validity certificate of Durgesh is considered by the Scrutiny Committee. Durgesh was issued with validity certificate by reasoned order after conducting vigilance enquiry. This fact is not disputed by learned AGP. The petitioner is entitled to receive validity certificate considering the validity certificates issued to his blood relatives.

6. It is seen that the school record comprising old entries was produced before the Committee. The entries have a probative value and those are supporting the petitioners claim. Learned AGP would submit that the validity certificates are not reliable and there are contrary entries which are not properly appreciated in their case. We cannot consider these submissions at this stage when the re-verification is underway. It is open for the Scrutiny Committee to take cognizance of this aspect of the matter during re-verification.

7. We hold that the impugned judgment and order passed by the Scrutiny Committee is discriminatory and unsustainable. Hence, we pass following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned order dated 04.11.2022, 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

final decision to be taken by the Committee in the reopened matters.

iv. The certificate of validity shall be issued in the prescribed format without incorporating any other conditions/additions.

vi. The petitioner shall not be entitled to claim equities.

vii. Pending application for intervention is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/