

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

WRIT PETITION NO.13313 OF 2023

Rudra s/o Chandrakant Gaud,
minor through under guardianship
of his father
Chandrakant s/o Karansing Gaud

... **Petitioner**

Versus

1. State of Maharashtra
through Principal Secretary,
Social Development Department,
Mantralaya, Mumbai – 32.
2. District Caste Certificate
Scrutiny Committee, Ahmednagar
Dist. Ahmednagar
through its President and
Member Secretary

... **Respondents**

...

Advocate for petitioner : Mr. Sontakke Sandeep B
AGP for respondents/State : Mr. S.B. Yawalkar

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 30.10.2023

ORDER : (PER MANGESH S. PATIL, J.)

Heard both the sides finally at the stage of admission.

2. The petitioner is challenging the order passed by the Scrutiny Committee confiscating and cancelling his certificate of 'Rajput Bhamta' Vimukta Jati (A), issued by the competent authority.
3. The petitioner is seeking benefit of certificate of validity possessed by his father Chandrakant issued in the year 2013. Besides he

has been relying upon couple of entries one of his distant cousin grandfather Jivan Ramsing Gaud of 1959 and the first degree cousin grandfather Baliram Umaji Gaud of 1969, wherein, both of them were described as 'Rajput Bhamta'.

4. The Committee has observed that entry in respect of Jivan is fraudulent inasmuch as word 'Bhamta' has been added subsequently in different ink and different handwriting, a fact which we have confirmed by looking into the coloured photocopy of the relevant page.

5. As regards Baliram Umaji Gaud, it is true that as has been observed by the Committee, the relevant page is in torned condition and only last letter of the first name 'म' and then father's name 'Umaji' and surname 'Gaud' is appearing at the relevant entry. The Committee has not doubted its genuineness. Apparently, this seems to be the entry in respect of that Baliram Umaji Gaud.

6. Pertinently Baliram's son Rohit possesses a certificate of validity issued in the year 2009-10 albeit, it was not before the Committee. The learned advocate for the petitioner submits that it was produced before the Committee subsequently but has not been considered. Whatever may be the reason, there is no dispute about the genealogies, genealogy furnished by petitioner and the one furnished by his father Chandrakant in his own case being the same and the Committee has not doubted its genuineness. Certificate of validity possessed by Rohit together with the one possessed by petitioner's father

Chandrakant would certainly enure to his benefit more so when the Committee has not observed that those were not issued by following due process of law which is a condition to be looked into in the light of the decision in the matter of Maharashtra **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**; 2023 SCC Online SC 326.

7. The Committee has refused to extend the benefit of Chandrakant's validity by observing that vigilance inquiry was not conducted before issuing him certificate of validity.

8. Considering the observations of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra), an inquiry through vigilance under Rule 12(1) of the Rules of 2003 framed under the Maharashtra Act XXIII of 2001 can be resorted to only if the documents produced before the Committee, according to it, are not reliable. It is not mandatory that in every case there has to be vigilance inquiry under. If at all the Committee which issued certificate of validity to Chandrakant was satisfied with the documents produced by him, it was not incumbent upon it to resort to any vigilance inquiry. This, therefore, could not have been a legally sustainable ground to refuse to extend the benefit of validity possessed by Chandrakant.

9. Besides, even Rohit Baliram Gaud possesses a certificate of validity. He is from the genealogy and blood relative of the petitioner from the paternal side. In view of such couple of validities in the blood

relations, the petitioner deserves to be granted a certificate of validity.

10. Pertinently, the Committee, as usual, which is a common phenomenon, has not made any observation about Chandrakant having obtained certificate of validity by resorting to some misrepresentation or concealment of contrary record. Even if it does, it will have to undertake a separate scrutiny by issuing a show cause notice. Till the time that does not happen, the petitioner would be entitled to possess a certificate of validity.

11. The Writ Petition is allowed. The impugned order is quashed and set aside. The committee shall immediately issue a certificate of validity to the petitioner of 'Rajput Bhamta' Vimukta Jati (A).

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)