



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO. 6876 OF 2024**

Samiksha Umeshsinh Janakwar

Age : 19 years, Occu. Student

R/o. At Post Mandwa,

Tq. Vashi, Dist. Dharashiv (Osmanabad)

.. Petitioner

**Versus**

1] The State of Maharashtra,  
Through its Secretary,  
Social Welfare Department,  
Mantralaya, Mumbai

2] The District Caste Scrutiny Committee  
Dr. Babasaheb Ambedkar Samajik Nay Bhavan,  
Near Central Administrative Building,  
Dharashiv (Osmanabad)

.. Respondents

Mr. A.S. Bayas, Advocate for petitioner

Mr. N.D. Batule, AGP for respondent - State

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

**DATE : 12 AUGUST 2024**

**JUDGMENT (MANGESH S. PATIL, J.) :**

Petitioner is challenging the order of the respondent -  
scrutiny committee refusing to validate her 'Rajput Bhamta' (VJA)  
certificate.

2. Heard. Rule. Rule is made returnable forthwith. Learned  
AGP waives service.

3. Considering the urgency, the matter is heard finally at the stage of admission.

4. The learned advocate for the petitioner submits that the petitioner has been relying upon the pre-constitutional revenue record of her ancestors. The vigilance report did not indicate about any doubt in respect of her relationship with those individuals and still the committee has refused to consider it stating that the relationship was not established. It has not assigned any reason to reach such a conclusion.

5. The learned advocate would further submit that the petitioner was also relying upon validity of one Virendra Vitthalsingh Janakwar. The vigilance officer had an occasion to undertake scrutiny even in that respect and in the report had expressly observed that going by the genealogy, Virendra was related to the petitioner by blood but again without assigning any reason, the committee discarded this stating that there was no corroborative material to establish the relationship.

6. He would further submit that without even indicating anything and even in spite of the observations in the vigilance report accepting the relationship between the petitioner and Virendra, the committee has refused to consider it by making this perfunctory observation in the final order. Had the petitioner been aware, she

could have made efforts to satisfy the committee. It was stabbing in the back and would be contrary to ***Sayanna Vs. State of Maharashtra and others; (2009) 10 SCC 268***. He would submit that in view of such stand of the committee, the petitioner has filed affidavit of validity holder - Virendra together with the genealogy which tallies with the genealogy being relied upon by him in his own matter.

7. Lastly, Mr. Bayas would submit that in fact, the committee had decided to issue certificate of validity to the petitioner. It had also prepared an order, a copy of which is placed in this petition at page no. 77. The Member Secretary and a Member had signed that order but the Chairman did not sign it and subsequently, the impugned order has been passed. He would submit that by virtue of rule 9 of the Rules framed under the Act XXIII of 2001, the decisions of the committee should be by majority and even if the Chairman had not signed the order, it was a decision and order in law, and the impugned order being inconsistent with the earlier order, is a nullity.

8. The learned AGP would support the order. He would try to impress upon us that the vigilance was conducted and the committee has recorded the reasons by taking a plausible view. In the absence of corroborating evidence, the committee could not have relied upon the validity of Virendra and the petition be dismissed.

9. We have considered the rival submissions and perused the papers.

10. At the outset, it is necessary to note that admittedly, in the vigilance enquiry, the revenue record of Chhagansinh Lalsinh and Hirasinh Lalsinh was collected and the vigilance officer had not doubted these individuals being related to the petitioner by blood. It appears that subsequently, a fresh enquiry was ordered in respect of this revenue record and the vigilance officer mentioned in the report that the relationship could not be established between the petitioner and these individuals on the basis of revenue record which was of *Fasli* period of the pre-constitutional time and which was in *Modi* script of which translation was collected.

11. Irrespective of the observation of the committee and that of the vigilance officer in the subsequent report, we have been made available the original file of validity holder - Virendra. Incidentally, he was also relying upon the same revenue record. It was in *Modi* script and its translated copies are also available therein wherein these individuals have been described as 'Rajput Bhamta'.

12. The genealogy produced by the petitioner and the one filed by Virendra in his own matter and again filed in the present petition together with his affidavit, clearly demonstrate the relationship not only between him and the petitioner but also would demonstrate these very

individuals whose *Fasli* record is being relied upon, as the ancestors of both of them i.e. petitioner and Virendra.

13. In the light of such state-of-affairs, the observations of the committee brushing aside this pre-constitutional revenue record and even the validity of Virendra in one line, refusing to treat them for want of corroborative evidence, is clearly perverse and arbitrary.

14. Even if the committee was of such a view, it ought to have expressed so to the petitioner, so that she could have made an attempt to remove the doubt in the minds of the members of the committee. When the vigilance report was not hinting at any doubt in respect of the relationship between Virendra and the petitioner, observations of the committee in refusing to entertain his validity, seeking corroboration, would be stabbing the petitioner in back. Such an approach would be inconsistent with the decision of the Supreme Court in the matter of **Sayanna** (supra).

15. Be that as it may, the observations and the conclusions of the committee entertaining doubt about the blood relationship between Chhagansinh Lalsinh and Hirasinh Lalsinh and the petitioner and validity holder - Virendra and the petitioner, is clearly perverse, arbitrary and capricious.

16. As far as the birth record of one Kundanbai Pratapsinh, the real sister of petitioner's paternal grandfather of the year 1960, the committee has observed that the words 'Rajput Bhamta' have been inserted in a different ink at some later point of time. However, the original file of the petitioner made available merely contains a black and white photocopy of the original register.

17. We have not been made available its coloured copy so as to objectively scrutinize the observations of the committee. The impugned order clearly demonstrates that even the committee had not taken pains to call for the original record to cross-check whether the observations of the vigilance officer that word 'Bhamta' was added subsequently in a different ink, is factually correct or otherwise, *albeit*, the impugned order mentions that on 01-07-2022, the committee had directed the original record to be called. It is thus apparent that the committee has relied upon the observations of the vigilance officer when it was imperative for it to have examined the original record.

18. Therefore, we have no hesitation in concluding that the observation of the scrutiny committee even in this respect is arbitrary and capricious.

19. So far as the allegations regarding the impugned order being a nullity, indeed the committee had made up its mind and had even prepared an order earlier which was signed by two out of its three

members. According to rule 9 of the rules framed under Maharashtra Act No. XXIII of 2001, the decision of the committee could be by majority. The earlier order which was in favour of the petitioner was signed by two out of three members and would constitute a valid order.

20. There is no explanation in the impugned order as to why earlier order was simply ignored and fresh / impugned order was passed, more so when it has no statutory power of review. In the absence of which the impugned order being subsequent one would also suffer from the vice of want of jurisdiction and would be a nullity.

21. The upshot, the impugned order is perverse, arbitrary and capricious and is liable to be set aside.

22. The petition is allowed partly.

23. The impugned order is quashed and set aside.

24. The committee shall immediately issue certificate of validity to petitioner of 'Rajput Bhamta' (VJA).

25. Rule is made absolute.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

arp/