



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO 7257 OF 2024

Rudra s/o Jitendra Jangam,
Age 19 years, Occ. Student,
r/o. Sarafa Bazar, Shivaji Road,
Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

... Petitioner

VERSUS

- 1) The District Caste Certificate
Scrutiny Committee, Ahmednagar.
- 2) The Sub Divisional Officer,
Sub Divisional Shirdi,
Dist. Ahmednagar

... Respondents

...

Advocate for Petitioner : Mr. D.K. Rajput
A.G.P. for Respondents/State : Mr. S.R. Yadav-Lonikar

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

DATE : 30.08.2024

ORDER : (MANGESH S. PATIL, J.)

Heard. Rule. Rule is made returnable forthwith. In view of the urgency, the matter is heard finally at the stage of admission.

2. The petitioner claims to be belonging to '*Beda Jangam*' scheduled caste (9). He obtained the caste certificate from the competent authority and submitted the proposal to respondent no. 1-scrutiny committee for validation of the caste certificate under the Maharashtra Act XXIII of 2001. By the impugned order respondent no. 1-committee refused to validate the caste certificate and directed it to be confiscated and cancelled.

3. The learned advocate for the petitioner would submit that he had

produced sufficient material before the committee and had discharged the burden cast upon him under Section 8 of the Act. The committee has refused to consider the evidence in the proper perspective, without assigning cogent and convincing reasons. The learned advocate would submit that the petitioner's real sister Aditi and first degree cousins Tejas Shyam Jangam and Payal Shyam Jangam possess certificates of validity. They were issued with the validities by following due process of law. Vigilance enquiry was conducted and for a reasoned order they were held entitled to have certificates of validity. The petitioner is entitled to derive the benefit of principles laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023(2) Mh.L.J.785.***

4. The learned advocate would, lastly, submit that even if the committee has now opined that the validities were obtained by the petitioner's blood relatives by practising manipulation, the committee will have to undertake scrutiny. However, till the time the certificates of validity are in existence, the petitioner cannot be denied to have the benefit.

5. Per contra, the learned A.G.P. would submit that the committee has strong reasons in support of its inference. The manipulation in the school record is apparent. Word 'Beda' has been prefixed at a later point of time to the original entry of 'Jangam'. He would also advert our attention to the photo copy of the relevant entries and would submit that the petitioner cannot be allowed to derive the benefit of such manipulated school record. Since such manipulated school record was not revealed, the petitioner's relatives could manage to have certificates of validity. It cannot be said that they were granted validities by following due process of law. No vigilance enquiry was conducted and the claims were accepted merely for asking.

6. We have considered the rival submissions and perused the papers. There is no dispute about the fact that the petitioner's real sister and two

first degree cousins possess certificates of validity and the petitioner is relying upon those validities. The committee has now formed an opinion that the validity holders could manage to have the validities by resorting to manipulation, however, till the time it is able to undertake the process of law and is able to revoke and cancel the certificates of validity, the petitioner cannot be discriminated against. Obviously, the parameters laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*** would be relevant.

7. Though the learned A.G.P. submits that no vigilance enquiry was conducted before granting validities, it would suffice to observe that as has been concluded in paragraph no. 36 in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)***, in view of the specific provisions contained in the Rules, only if the committee is not ready to accept the evidence in support of a claim that it can resort to a vigilance enquiry. If the committee accepts the evidence, there is no need for it to still resort to a vigilance enquiry. It is thus quite clear that it is not the law that invariably a vigilance enquiry has to be resorted to as is being submitted by the learned A.G.P. Therefore, his submission that merely because vigilance enquiry was not resorted to while validating the claims of the petitioner's real sister and two cousins, it cannot be said that no due process of law was followed. There are reasoned orders accepting the documents and validating the claims. The petitioner is therefore entitled to have a certificate of validity. Needless to state that if the committee, though it has not expressly mentioned in the impugned order, intends to undertake rescrutiny on the ground of fraud, it will have to resort to appropriate enquiry and follow due process of law for recalling the certificates of validity. Till the time these validities are in existence, the petitioner is entitled to have a certificate of validity.

8. In the light of above, the impugned judgment and order is liable to be quashed and set aside.

9. The Writ Petition is allowed partly.
10. The impugned order is quashed and set aside. The respondent no.1-committee shall immediately issue certificate of validity to the petitioner of 'Beda Jangam' scheduled caste (9), which shall be coterminous with the validities of his sister and the cousins.
11. The petitioner shall not be entitled to claim equities.
12. Rule is made absolute in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-