



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

WRIT PETITION NO. 11586 OF 2017

Pranavsing Indrasing Solanke

...Petitioner

Versus

1. The State Of Maharashtra
Through its Secretary,
Higher Technical Education Dept.,
Mantralaya, Mumbai.
2. The Secretary,
District Caste Verification Committee,
No.1, Dr. Babasaheb Ambedkar Social Naya
Bhavan, Khokadpura, Near Shivaji High School,
Aurangabad.
3. The Registrar,
North Maharashtra University,
Jalgaon, Tq. & Dist. Jalgaon.
4. The Principal,
G.H. Raison Institute of Engineering
and Management, Gut No.57/1
Shirsoli Road, At Post. Mohadi
Tq. And Dist. Jalgaon.

...Respondents

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Advocate for Petitioner : Mr. Jadhav Narsing B & Mr.U M Maske Patil

Addl.GP for Respondent/State : Mr. P.S. Patil

Advocate for Respondent No.3 : Mr. Girase Amarjitsing B.

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

DATE : 27 JUNE 2024

PER COURT :

. Heard both the sides finally.

2. By the impugned judgment and order, the Scrutiny Committee has confiscated and cancelled the petitioner's VJ certificate of Rajput Bhamta.

3. The Committee has essentially refused to rely upon the validity being referred to by the petitioner stated to be that of distant paternal side relatives Sunita Vijaysingh Solnake, Bhupendra Prakash Solanke and Nilesh Sahebrao Solanke by observing that there was no evidence to prove that these persons are related to the petitioner by blood.

4. Apparently, a revenue record Pahani Patrak was before the Committee which could have been scrutinized in juxtaposition to the genealogy being relied upon by the petitioner that was furnished on affidavit. Common ancestor Harisingh Solanke was apparently having two sons namely Tangasingh Harisingh and Ratansingh Harisingh. The petitioner is shown to be from the branch of Tanga and the three validity holders have been shown to be from the branch of Ratansingh. The Pahani Patrak standing in the name of Harisingh Rajput, shows in the possession column names of Tanga and Ratan.

5. In our considered view, this revenue record was sufficient to *prima facie* demonstrate that Harisingh was survived by two sons. If the genealogy was demonstrating both these branches to demonstrate relationship between the petitioner and the validity

holders, one wonders as to how the Committee though could have some reservations, could have reached the conclusion that there has been no material to demonstrate the relationship that to even without the assistance of the vigilance inquiry.

6. As is rightly submitted by the learned AGP, in all probability, the revenue record was produced before the Committee and subsequently no vigilance inquiry was undertaken in that respect. If such is the course adopted by the Scrutiny Committee it is highly objectionable. If something is produced before the Committee by the claimants and if the Committee entertains some doubt, it was always open for the Committee to have directed a further vigilance inquiry into the documents that were produced before it. Without undertaking such exercise, inference is drawn by the Committee outrightly rejecting this revenue record, though it is evident that, as demonstrated herein above, this could be a document to establish the blood relationship between the validity holders and the petitioner. The Committee apparently has not looked upon this Pahani Patrak for ascertaining veracity or otherwise of the genealogy, but only to demonstrate that the letter 'Bha' against the surname Rajput, against the name of Harisingh is not indicative of the caste.

7. Be that as it may, the learned Advocate for the petitioner submits that the petitioner may be granted opportunity to lead additional evidence and if possible affidavits of the validity holders as well, to substantiate their relationship *inter se*.

8. This being not an adversarial litigation, it would be appropriate that impugned judgment and order is quashed and set aside and the matter is remanded back to the Scrutiny Committee for undertaking the Scrutiny and deciding the claim afresh in the light of the observations made herein above. This would extend an opportunity to the Committee as well to resort to additional vigilance inquiry.

9. The writ petition is allowed partly. The impugned judgment and order is quashed and set aside.

10. The matter is remanded back to the respondent/Scrutiny Committee for decision afresh in the light of above observations, which shall be taken as expeditiously as possible and in any case within sixteen (16) weeks.

11. The petitioner shall appear before the Committee on 05.07.2024.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..