



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

WRIT PETITION NO. 15200 OF 2023

Vishnu Bharat Badgujar
Minor though guardian
Bharat Jaisingh Badgujar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sandeep B. Sontakke, Advocate for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 25 JUNE 2024.**

FINAL ORDER :

. Heard. The petitioner is challenging order of the respondent/Scrutiny Committee in an enquiry U/Sec. 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001), confiscating and cancelling certificate of the petitioner as belonging to 'Rajput Bhamta' (V.J.-A [10]) category.

2. Petitioner has been relying upon the school entry of one Bhagwan Rupchand Badgujar stated to be of the year 1944, however, this document was produced before the Committee for

the first time without there being any opportunity to it to resort to any vigilance enquiry into the genuineness of the school record. The committee relying upon the reply forwarded by the Head Master of the concerned school has, for the reasons recorded in the order, discarded it. The subjective opinion of the Head Master forms the basis for the committee to discard this, when the committee itself is supposed to undertake an enquiry, such a course in our considered view would be hazardous.

3. Besides, the petitioner for the first time has produced before us certificates of validity of two individuals namely Shubham Jivansing Badgujar and Monika Motilal Badgujar. *Prima facie*, going by the genealogy submitted by the petitioner before the authority, both Jivan Badgujar and Motilal Badgujar appear in the genealogy. Obviously, the Scrutiny Committee had no opportunity to undertake any enquiry into these two validities, which are being relied upon by the petitioner for the first time. Since the decision of the Committee under the Maharashtra Act No. XXIII of 2001 is not an adversarial litigation and it is a matter of social status, in our considered view, it would be appropriate that the matter is remanded to the Scrutiny Committee for decision afresh permitting the petitioner to lead additional evidence which will give an opportunity to the Committee even to verify the school record of Bhagwan Rupchand Badgujar.

4. Writ petition is allowed partly. Impugned order is quashed and set aside. Matter is remanded back to the Scrutiny

Committee for decision afresh even by resorting to vigilance enquiry. Petitioner shall appear before the Committee on 02.07.2024. He shall be at liberty to produce additional evidence. The committee shall decide petitioner's proposal as expeditiously as possible and in any event within a period of three (03) months from the date of appearance.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/June 24