



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 10537 OF 2024

KRUSHNA VINOD RATHOD

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY  
AND OTHERS

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Advocate for the Petitioner : Mr. Narsing B. Jadhav h/f  
Mr. Karande Mahesh B.

AGP for Respondent/s-State : Mr. P. S. Patil.

Advocate for Respondent No.3 : Mr. P. B. Kulkarni h/f  
Mr. Narwadkar Mrigesh D.

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CORAM : S. G. MEHARE, AND  
SHAILESH P. BRAHME, JJ.

DATE : 06.03.2025

PER COURT :-

1. Heard the respective learned counsels.
2. The petitioner has impugned the judgment and order of the Caste Scrutiny Committee, dated 22.07.2024 rejecting his claim of Rajput Bhamta (V.J.) on the ground that the petitioner did not produce the document before the deemed date of 21.11.1961.
3. The petitioner has a case that he is the first person in the

family taking the advance education after 10th standard. He has placed on record the service book of his grandfather. His father was also school going. The list of the documents mentioned in the impugned order was supporting him. The vigilance report was also supporting him. There was no reason to doubt the documents which he had relied. The findings of the Vigilance Committee that the document before deemed date 21.11.1961 is the mandatory requirement is erroneous.

4. Learned counsel for the petitioner would submit that the view is expressed by the Committee that the document before 21.11.1961 is mandatory. Here the Scrutiny Committee has erred in law in rejecting the claim on the sole ground. The Committee was bound to examine and appreciate the documents which were placed before it. Since the vigilance was done, it could not be mechanically rejected. Though it is not binding it should have some value. The witnesses, Vigilance Committee has examined were natural. Initially, they were residing in Nanded and thereafter they were shifted to Majalgaon. The documents placed on record were sufficient, convincing and reliable to believe the case of the petitioner. The claim cannot be denied on the sole ground of having no

documents as such. When the material placed before the Authority was sufficient, it ought to have been come in a proper way. Since there were no specific and conclusive findings of the Committee on the material placed before it, this matter is fit to remit to the Scrutiny Committee.

5. Learned AGP has opposed the petition. He would submit that the service record of the grandfather is *prima facie* not believable for the reason that it does not mention the caste. He would submit that the documents placed on record though not doubted were not sufficient to believe the case of the petitioner. Referring to the report of the Vigilance Committee, he would vehemently argue that language of the petitioner shown is not Hindi. Their Goddess is not Tulja Bhavani. The surnames in the family shown in the report were also not belonging to Rajput Bhamta. This community has provision of cheating and they were charged for the same on many places. They hail from Ahmednagar District. There is no reason to believe the case of the petitioner that initially they were residing in Nanded and now shifted to Majalgaon. He would submit that the Committee has recorded the findings on the documents placed before it. To believe the claim of the

petitioner, there must be some evidence that inspire the confidence. There is serious objection that all over the State all Rajputs are claiming the benefit of the caste and claiming to be Rajput Bhamta throughout. The Committee could not express the candid opinion about the vigilance report because that may be used as a weapon in other matters. He would submit that the petitioner failed to establish his case as required under the Act. There is no reason to interfere with the findings recorded by the Committee. The findings were complete and conclusive. Therefore, also the petitioner has no case for remand.

6. The law as regards the documents before the deemed date is well settled, that it is not the essential requirement to decide the claim. The Act has provided the provisions for determining the caste claim as per Section 8 of the said Act of 2000 that "Burden is on the person claiming the caste certificate in respect of Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category." The provision was clear that since the burden was on the person claiming the caste, he has to discharge it by producing the documents set out in Rule 11. This Rule 11 also includes the

documents of the extract of the page of the service record in the book of the father if he is in service. However, it contends religion and tribe. In the eventuality of illitearcy of the father, the primary school leaving certificate of the blood relative of the parental side of the applicant and extract of the school may be the document to be relied upon. Apart from that revenue record like birth register, etc. and any other relevant document in support of his tribe claim may be the material to be considered by the Scrutiny Committee. Rule 17 (7) speaks of calling for the vigilance report. The Scrutiny committee has powers to call for the vigilance report in case the Committee is not satisfied with the documentary evidence produced before it by the claimant.

7. No doubt, learned AGP is correct that the vigilance report is not absolutely binding upon the Committee. However, the Co-ordinate Bench of this Court in the case of ***Mahesh Paralhadrao Lad Vs. State of Maharashtra ; LAWS(BOM)-2008-7-208*** has specifically observed that considering the mandate of the Legislature as envisaged in Section 9, the Committee, therefore, while conducting the verification for issuance of the Caste Validity Certificate has to

consider the documentary evidence produced, the report of the Vigilance Officer if called for and other evidence which the applicant may lead in terms of Section 9, and finally adjudicate the matter as a quasi judicial body, unfettered with the strict Rules of evidence, but bearing in mind the principles of natural justice and fair play. Though the strict rules of evidence will not be applicable, the principles thereof in the matter of consideration of documentary evidence and oral evidence have to be borne in mind. The oral evidence is not totally debarred to prove the claim. The competent Authority has the powers of Civil Court including the powers to receive the evidence on affidavit. The public record may also be examined. The burden is on the Scrutiny Committee to assess and appreciate the evidence applying the parameters to prove the claim.

8. Learned counsel for the petitioner has pressed into service the statements of neighbourer who were well acquainted with the family of the petitioner and they have candidly supported the claim of the petitioner that evidence inspires the confidence. But, this could not be discarded mechanically. We find no substance in the submissions of the learned AGP that a single line finding about not producing the

documents of pre-deemed date 21.11.1961 is a good finding and it was the mandatory requirement. Learned AGP has pointed out that the Scrutiny Committee commented on the other documents in paragraph No.11 (1) of the impugned judgment and order. However, reading this finding, the finding seems revolves around the requirement of deemed date document 21.11.1961. It could be easily understood that the Committee has no other consideration in his head except the requirement of the deemed date document. Therefore, those findings could not be said to be the finding on the other documents placed on record.

9. The petitioner is the first member in the family who wanted to get the advance education and take his family forward. Therefore, we are of the view that since there is no correct appreciation of evidence and discarding the other documents for the sole reason mentioned above. This is a fit case to remit to the Caste Scrutiny Committee in appreciating the evidence whatever the documents and other material produced before it by the petitioner, we pass the following order :

**ORDER**

- (i) Writ petition is partly allowed.
- (ii) The impugned judgment and order of the Caste Scrutiny Committee dated 22.07.2024 stands quashed and set aside.
- (iii) The matter is remitted to the Caste Scrutiny Committee for re-appreciation of the documents. However, it shall not insist on the evidence of pre deemed date.
- (iv) The Scrutiny Committee should grant opportunity to produce the documents if any and also conduct the re-vigilance, if required.
- (v) The petitioner should appear before the Caste Scrutiny Committee on 08.04.2025.
- (vi) The Scrutiny Committee should make an endeavour to decide the matter within six (6) months from today.

**(SHAILESH P. BRAHME, J.)****(S. G. MEHARE, J.)**

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