



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 776 OF 2024

Nehal S/o Narendra Chavhan
 age : about 16 years, Occ :
 Education
 through his natural guardian father
 Narendra Ganeshsingh Chavhan
 age : 40 years, Occ : Labour,
 R/o. Belpura, in front of Savarkar
 Shop Amravati,
 Tah. and District Amravati – 444606

.. **Petitioner**

Versus

- 1] District Caste Certificate Scrutiny Committee, Amravati, through its Research Officer & Member Secretary, Camp Road, Amravati – 444606
- 2] Vidhya Bharti Mahavidhyalaya, Amravati, through its Principal, C.K.Naidu Road, Camp, Amravati, District – Amravati – 444602

.. **Respondents**

 Mr. Ram Karode, Advocate for petitioner.

Mr. J.Y. Ghurde, Assi. Govt. Pleader for respondent No.1.

**CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : MARCH 13, 2025

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard. **Rule.** Heard finally with the consent of the learned counsel appearing for the parties.

(2) The petitioner challenges the order dated 30/05/2023 passed by the respondent No.1 District Caste Certificate Scrutiny Committee, Amravati (for short-"the **Committee**"); thereby, the petitioner's claim of belonging to the "*Bhamti*" Vimukta Jati (A) category has been invalidated.

(3) The petitioner claims that he belongs to "*Bhamti*" Vimukt Jati (A) category, and accordingly, the Sub Divisional Officer, Amravati, issued a caste certificate in his favour. Through the Principal of respondent No.2 College, the petitioner forwarded his caste certificate along with relevant documents to the respondent No.1 Committee for verification. The petitioner, to substantiate his claim, has produced in all 09 documents before the Committee pertaining to his father and grandfather. The Committee was dissatisfied with the documents and forwarded them to the Vigilance Cell for a detailed enquiry. The Vigilance Cell thoroughly conducted an enquiry and submitted its report to the respondent No.1 Committee.

(4) During the inquiry, the Vigilance Cell found 02 adverse entries of the years 1986 and 1947 pertaining to the father and grandfather of the petitioner, wherein their caste was recorded as "*Rajput*", and accordingly, the Vigilance Cell submitted its report to the respondent No.1 Committee. Based on the said report, the Committee issued a show-cause notice dated 17/05/2023 and called upon the

petitioner to explain the said adverse entries found during the inquiry. In response, the petitioner has submitted an explanation before the Committee on 30/05/2023 along with a document from the year 1916 of his great-great grandfather Laxman, wherein his caste was recorded as "*Bhamti*", and prayed to the respondent No.1 Committee to consider the same. After affording an opportunity to the petitioner, considering the Vigilance Cell report, explanation submitted by the petitioner and documents on record, the Committee, vide its impugned order dated 30/05/2023, rejected the petitioner's claim that he belongs to "*Bhamti*" V.J.(A) category, hence this petition.

(5) Learned counsel for the petitioner vehemently contended that petitioner to substantiate his claim has produced 03 documents of the years 1929, 1936 and 1916 pertaining to great-grandfather Laxman and great-great-grandfather Ananda wherein their caste had been recorded as "*Bhamti*", however, the Committee has not considered the same in its proper perspective and erred in rejecting the claim of the petitioner ignoring the pre-Constitutional era documents. Notably, during the argument, he fairly conceded that the document of 1916 was submitted while filing an explanation before the Committee, which was not verified by the Vigilance Cell. As against, he has relied upon the other 02 documents and canvassed that the petitioner has demonstrated that he belongs to the "*Bhamti*" V.J.(A) category and,

thus, urged for allowing the petition.

(6) On the contrary, learned Assistant Government Pleader has strenuously opposed the petition contending that in the genealogical tree great-great grandfather's name is not mentioned and therefore, the documents of the year 1936 and 1929 are not helpful to the petitioner to substantiate his claim, so also petitioner failed to produce the document of 1916 before the Committee to verify the same through Vigilance Cell, hence, these documents are not helpful for the petitioner in support of his claim. On the contrary, the documents of 1947 and 1986 pertaining to his father and grandfather categorically denote that they belong to the "*Rajput*" caste. Therefore, the rejection of the claim of the petitioner is just and proper, and no interference is required in it.

(7) We have appreciated the rival submissions of the learned counsel for the parties and perused the impugned order and record. We have also gone through the original record and returned it.

(8) At the outset, it is evident that the petitioner, to substantiate his claim, has produced 09 documents before the Committee; out of them, 02 documents are of the pre-Constitutional era of 1929 and 1936, wherein the caste of his great-grandfather Laxman and great-great-grandfather Ananda were shown as "*Bhamti*".

During the Vigilance Cell enquiry, the record of the document of 1929 was not available with the school. Therefore, it could not be verified. Similarly, the document of 1936 pertains to Ananda Hiranman. However, his name is not mentioned in the petitioner's genealogical tree, so the same could not be considered. As such, those documents are not helpful to the petitioner in substantiating his claim.

(9) Similarly, it appears that at the time of submitting the explanation to the show-cause notice, the petitioner submitted a 1916 document pertaining to his great-great-grandfather, wherein his caste was recorded as "*Bhamti*." However, at the time of inquiry, the same was not available with the Vigilance Cell to verify it, so it was not verified by the Vigilance Cell.

(10) On the contrary, the documents of 1986 and 1947 pertain to the petitioner's father and grandfather, whose caste was recorded as "*Rajput*." However, the petitioner did not deny the said entries while submitting an explanation; thus, these documents show a discrepancy in the petitioner's caste claim.

(11) A bare perusal of the document of 1916, (at page 34) prima facie it reveals that the petitioner is claiming that entry of 1916, pertains to his great-great-grandfather wherein his caste had been recorded as "*Bhamti*". It is pertinent to note that the document of 1916

was not available with the Vigilance Cell to verify the same, therefore, considering the same, in our view to determine the authenticity of the said document, it would be appropriate to remit the matter back to the respondent No.1 Committee for its verification and consideration.

(12) *Consequently*, to resolve the said controversy, we deem it appropriate to remit back the matter to the respondent No.1 Committee for its reconsideration with a direction to conduct verification of the newly discovered document of 1916. Therefore, without going into the merits of the matter, it would be appropriate to quash and set aside the impugned order and remit the matter to the respondent No.2 Committee for fresh consideration. As such, we pass the following order:

(13) The impugned order is quashed and set aside. The matter is remanded back to the respondent No.1 Committee for reconsideration in accordance with the law.

(14) Needless to clarify, the petitioner is at liberty to produce the document of 1916 before the respondent No.1 Committee and any other document pertaining to his ancestors mentioned in the genealogical tree, if available. The respondent No.1 Committee is directed to verify the authenticity of the document afresh and pass an appropriate order in accordance with law within three months from the

date of appearance of the petitioner. The petitioner is directed to appear before the Committee on 24.03.2025.

(15) Rule is made accordingly. No costs.

[ABHAY J. MANTRI, J.]

[AVINASH G. GHAROTE, J.]

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