



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

WRIT PETITION NO. 7308 OF 2024

Pratham Ghanshyam Bais

Vs.

The State of Maharashtra, thr. its Chief Secretary & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P.S. Chawhan, Advocate for the Petitioner.
Ms. S.S. Jachak, Addl. GP for the Respondents.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATE : 4th SEPTEMBER, 2025.

Heard learned counsel for the petitioner and learned Addl. G.P. for the respondents. With the assistance of the learned Addl. G.P., we have perused the original record. We have considered the contentions of the parties and judgments relied on by the petitioner.

2. The petitioner is claiming validity of Bhamati Caste which is recognized as Vimukta Jati (A). There are two validities in his families. One is of the petitioner's father, which is at page 49, issued by the Divisional Caste Certificate Verification Committee No.1, Nagpur Division, Nagpur dated 1st February, 2012. Second validity is in respect of the petitioner's real sister, which is issued on 31/07/2020 by District Caste Scrutiny Committee, Wardha. The petitioner placed on record the document in respect of his great grandfather wherein he was shown given birth to a male child namely Mohanlal on

20/09/1941. There is no dispute about the genealogy. It is mentioned in the impugned order passed by the Committee on page 60 of the petition that no vigilance enquiry was conducted in view of the order passed by the Hon'ble Apex Court in Civil Appeal No.2502/2022. On the contrary, it is mentioned that vigilance enquiry was conducted and no document prior to cut-off date is placed on record. The Committee has relied on the document i.e. school leaving certificate in respect of father which is pertaining to year 1996, wherein caste is mentioned as 'Bhamati Rajput. This finding is erroneous and unsustainable. There is no discussion at all on the document of 1941. The document is at page 18 of the record of the Caste Scrutiny Committee.

3. Learned Addl. G.P. submitted that after invalidation of caste claim, vigilance was conducted. However, there is no report on record. On the contrary, it is observed by the Committee that vigilance enquiry was not conducted. In spite of this fact, it is observed by the Committee at page 65 of the petition that the petitioner has not placed on record any evidence of the document of the cut-off date i.e. 21/11/1961 and also it is not there in the vigilance cell enquiry report. If there is no vigilance conducted, this finding is erroneous on the contrary to the document on record. In view of the validity issued in favour of the father and real sister, there was no reason to invalidate the claim of the petitioner, that too on the ground of document of 1996.

4. The petitioner placed reliance on judgment of this Court in the case of ***Saurabh Ashok Jadhav and Anr. Vs. State***

of Maharashtra and Ors. reported in 2018(6) Mh.L.J. 890, wherein in paragraph 9, this Court held as under:

“It is settled position of law that a stray entry cannot be decisive and cannot be relied on, in isolation of other documents in determining a claim of a particular claimant and if the pre-constititional documents are to be construed as having great probative value then another entry in favour of the cousin grandfather of the petitioner which records the caste as "Hindu Mahadev Koli" cannot be completely ignored. It is upto the committee to take a call whether to further investigate and reopen the claim of the father of the petitioner Shri.Ashok Trimbak Jadhav. However, we do not intend to suggest the course of action to be followed by the committee. However, since the committee has already granted validity in favour of the father of the petitioner, petitioner is also entitled for declaration that he belongs to the same tribe namely Mahadev Koli, recognized as a Scheduled Tribe and entitled for all the benefits flowing from such a status being conferred. However, if the committee at future point of time decides to follow the course of action of reopening the claim of the father of the petitioner, it is at liberty to do so. However, till that time the petitioners are entitled to enjoy the same status as their father Shri.Ashok Trimbak Jadhav as belonging to Mahadev Koli, a Scheduled Tribe.”

5. In view of the judgment in the case of **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors. reported in 2010(6) Mh.L.J. 401,** wherein this Court held as under:

“In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity

of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner.”

6. As such, it is opposed by the learned Addl. G.P.
7. We are of the considered opinion that the order passed by the respondents is liable to quashed and set aside.
8. Accordingly, the petition is allowed. The impugned order dated 10/09/2024, passed by the District Caste Certificate Scrutiny Committee, Wardha, is quashed and set aside.
9. It is declared that the petitioner has duly established that he belongs to “Bhamati” in view of the documents at page No.34 in respect of his great grandfather.
10. The Committee to issue validity certificate of “Bhamati” to the petitioner within a period of one week.
11. R & P be returned back.
12. The petition is disposed of accordingly.

13. Authenticated copy of the order be supplied to the parties.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar