

**(2014) 02 BOM CK 0113**  
**In the Bombay High Court**  
**Case No : Writ Petition No. 3010 of 2011**

Mayuri

APPELLANT

Vs

The State of Maharashtra and The Divisional Caste Certificate  
Verification Committee

RESPONDENT

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**Date of Decision :** 20-02-2014

**Acts Referred:**

**Citation :** (2014) 02 BOM CK 0113

**Hon'ble Judges :** S.C. Dharmadhikari, J;R.V. Ghuge, J

**Bench :** Division Bench

**Advocate :** Yogesh Bolkar, Advocate H/f. Mr. A.B. Girase, Advocate for the Appellant; G.K. Naik Thigale, Additional GP, Advocate for the Respondent

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## Judgement

S.C. Dharmadhikari, J.—Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. The petitioner's caste claim has been invalidated by the Caste Scrutiny Committee, namely, the Divisional Caste Scrutiny Committee, Dhule, by its order dated 5th October, 2010.

3. Petitioner was claiming admission against a reserved seat and that is how, she approached this committee for validation of her caste certificate. The petitioner laid claim to Rajput Bhamta which is notified as a de-notified tribe (Vimukta Jati). The Petitioner produced before the said committee Caste Validity Certificates in relation to her cousins, but, the committee has opined that the Caste Validity Certificates are not in relation to the immediate relations but distant one and have discarded them.

4. The second ground on which the caste claim of the petitioner has been invalidated is because the petitioner could not state anything about the criminal record of the ancestors in the family. Under these circumstances, it was held that she could not substantiate her claim towards the Rajput Bhamta V.J.N.T.

5. The committee has also assigned reason, namely, that the school records in relation to herself, her father and grandfather would show that the entry in caste column is, Hindu Rajput, Hindu and, therefore, those cannot be held to be conclusive. Even in relation to her grandfather the entry is Rajput and, therefore, the petitioner could not be held to be belonging to Rajput Bhamta Vimukta Jati.

6. While she laid emphasis on the Caste Validity Certificates issued to her, not immediate, but distinct cousins, the committee opined that, in preference to the same, the entries in the immediate relative's case has to be accepted. Lastly, it was held that the petitioner could not point out the criminal background or record of the ancestors of the family.

7. Our attention has been invited to the observations in the Vigilance Cell report. The report indicates that the petitioner's father Ashok Singh was interviewed. He stated that the petitioner's family is Rajput Bhamta. They are hailing from the State of Gujarat. It is stated by him that after the defeat of Maharana Pratap in the war, that all such persons as belonging to this community had to leave Rajasthan and migrate to Gujarat and then to Maharashtra. They indulged in criminal activities including theft, looting and dacoity and this is how the others started calling them Bhamta Rajput and, therefore, he belongs to Rajput Bhamta community.

8. The Vigilance Cell report contains the response or answers to the queries in relation to the customs, traits and characteristics of the Rajput Bhamta community.

9. The petitioner has also produced the genealogy which shows that her father's cousin brother has been issued a Caste Validity Certificate.

10. To our mind, all this material has not been considered with its impact on the ultimate conclusions. By a cryptic order and by expecting a 20 years old girl to speak about the criminal record and background of the ancestors, the committee has invalidated the caste claim.

11. Merely because the entries in relation to the father and grandfather are not conclusive does not mean that the caste claim has to be invalidated. A proper and thorough enquiry and in the backdrop of the socio-cultural affinity, has to be conducted and thereafter a finding of the nature required by the Act, has to be rendered. The Maharashtra Act No. 23 of 2001, mandates that an enquiry has to be made in terms thereof. We find that after the order of the Scrutiny Committee, there are now rules framed and which are styled as 2012 Rules. They are more comprehensive and enable the Committee to conduct a proper and complete enquiry.

12. In the result, we pass the following order:-

[a] The impugned order passed by the Scrutiny Committee is quashed and set aside;

[b] The matter is remanded back to the committee for a de-novo enquiry.

[c] The petitioner shall appear before the Committee, on 10th March, 2014, alongwith a copy of this order.

[d] We direct the committee to re-verify and re-scrutiny the caste claim of the petitioner in the light of the available material, without being influenced by the earlier order of the committee or findings recorded therein.

[e] The Committee shall pass fresh order in accordance with law, within a period of 6 months from the date of appearance of the petitioner before it.

13. Rule is made absolute in above terms, with no orders as to costs.