

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4221 OF 2016

Udaysing Ramesh Swami,
Aged-36 years,
Residing at 299, Danamma Ayya Swami Math,
Main Road, Panhala, Tal. Panhala,
Dist. Kolhapur

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary, Social Justice
Department, Mantralaya, Mumbai-32
2. Divisional Caste Certificate
Scrutiny Committee No.2, Kolhapur,
Through its Member Secretary, Having its
Office at Dr. Babasaheb Ambedkar Samajik Nyay Bhavan,
2nd Floor, Vichare Mal, Kolhapur, Dist. Kolhapur
3. Sub-Divisional Officer (Revenue),
Karveer Sub-Division, Karveer,
Dist. Kolhapur
4. Executive Engineer, Irrigation,
Ratnagiri Irrigation Division,
Ratnagiri, Dist. Ratnagiri

...RESPONDENTS

.....

Mr. Drupad Patil i/b Mr. Rugwed Kinkar, Advocate for the Petitioner.
Mr. Atul Vanarase, AGP for the Respondents/State.

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**CORAM : RAJESH S. PATIL &
ABHAY J. MANTRI, JJ.**

RESERVED ON : 09th SEPTEMBER, 2026

PRONOUNCED ON : 29th SEPTEMBER, 2026.

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JUDGMENT :[Per ABHAY J. MANTRI, J.]:

1. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the learned Advocates for the parties.

2. The Petitioner challenges the judgment and order dated 07-11-2015 passed by Respondent No. 2- Divisional Caste Certificate Scrutiny Committee No.2, Kolhapur [for short '*the Committee*'], thereby invalidating the claim of the Petitioner that he belongs to '*Beda Jangam*', a Scheduled Caste. The Petitioner also seeks a declaration that the caste certificate dated 01-01-2010, issued by Respondent No. 3 in his favour, is valid, legal, and subsisting.

FACTUAL ASPECT :-

3. The Petitioner claims that he belongs to '*Beda Jangam*', a Scheduled Caste. Accordingly, Respondent No. 3-Sub Divisional Officer (Revenue) [for short '*the SDO*'] had issued a caste certificate in his favour on 01-01-2010. Based on the caste certificate, he was appointed as Assistant Engineer Grade-II in the office of Respondent No. 4, Irrigation Department. He submitted his caste certificate, along with the documents, to Respondent No. 4, his employer, who forwarded them to Respondent No. 2, the Committee, for verification.

4. The Committee had issued a validity certificate in favour of his father on 02-12-2009. He also possessed the documents demonstrating that he belongs to '*Beda Jangam*', a Scheduled Caste.

5. Since the committee was dissatisfied with the documents submitted by the Petitioner, it had forwarded the same to the Vigilance Cell for a detailed enquiry. Accordingly, the Vigilance Cell conducted the enquiry and submitted its report to the Committee on 30-10-2012, observing that some adverse entries were found against the Petitioner during the enquiry, i.e., in the school record his father's caste was mentioned as '*Hindu Lingayat*'. The Committee, vide show cause notice dated 25.06.2015, called upon the Petitioner to submit his explanation to the said adverse entries. In response, he had submitted an explanation before the Committee.

6. In the explanation to the notice, he contended that, inadvertently, due to lack of knowledge while recording the caste of his father in the school record, the same was recorded as '*Hindu Lingayat*', which is not a caste but a sect and therefore, no entry regarding the caste of the father of the Petitioner had been recorded in the school leaving certificate. Therefore, said document cannot be taken into consideration. He further explained that his ancestor's

occupation was performing the duties of a priest, funeral rites and death ceremonies. Therefore, he urged that it be granted validity.

7. Regarding the document of the year 1885, he submitted that the occupation of his Great-Great-Grandfather was mentioned as 'begging alms' and, therefore, the document supports the Petitioner's claim. However, he failed to explain the adverse entries in documents at Sr. No. 10 and 11, i.e., the affidavit dated 20-03-1885 of his Great-Great-Grandfather, wherein he affirmed his caste as '*Jangam*'.

8. Pursuant to the notice, the Petitioner appeared before the Committee for hearing. After affording the Petitioner an opportunity of hearing and considering the Vigilance Cell's report and documents on record, Respondent No. 2-Committee, vide impugned judgment and order dated 07-11-2015, rejected the Petitioner's claim that he belongs to '*Beda Jangam*', a Scheduled Caste. Hence, this Petition.

9. Respondent No. 2-Committee has filed a reply and denied the contents of the Petition in toto. It is contended that the Committee observed that the Petitioner relied on one revenue document of the year 1885 issued by the Archaeological Department, Kolhapur, which pertains to the Petitioner's great-great-grandfather. He himself recorded a statement on oath dated 20-03-1885, in which he stated his caste as '*Jangam*'. Therefore, the observations in *Anand v. Committee*

for Scrutiny and Verification of Tribe Claims and others, reported in (2012) 1 SCC 113, are not helpful to the Petitioner. Lastly, it is contended that the Petitioner failed to discharge the burden as per Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backwards Classes and Special Backwards Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 [for short '*the Act*'] and therefore, the Committee has rightly passed the order, and no interference is required in it and hence urge to dismiss the petition.

10. In response to the reply, the Petitioner has filed an Affidavit-in-Rejoinder wherein he averred that during pendency of this petition the Committee issued a validity certificate in favour of his cousin brother Dhanraj Swami vide order dated 08.03.2017. He annexed the same with the Rejoinder. Therefore, it is propounded that, in view of the issuance of the validity certificate in favour of his father and cousin brother and in view of the law laid down in Apoorva D/o. Vinay Nichale Vs Divisional Caste Certificate Scrutiny Committee No.1 and others reported in 2010 (6) Mh.L.J. 401, the Petitioner is entitled to get the caste certificate. In support of his contention, he relied on the judgment in K. Shankariah versus The District Collector

and others in Writ Petition No.19883 of 1994 dated 11-07-2015 and, hence, urged that the Petition be allowed.

SUBMISSIONS :

11. Learned Advocate for the Petitioner vehemently contended that all three Vigilance Cell reports supported the claim of the Petitioner. Their traditional occupation was Bhikshuki/Vibhutidhari, to perform funeral rites and rituals and death ceremonies in the houses of Shudras-Girijanas, etc. Therefore, the Committee earlier issued a caste validity certificate in favour of the Petitioner's father and cousin brother. After conducting the due enquiry, the said certificates were issued, and therefore, there is no necessity to conduct further enquiry while granting validity. Based on the said caste validity certificates and in view of the dictum laid down in *Apoorva (supra)*, the Petitioner is also entitled to a caste validity certificate, as the Committee did not observe that those certificates were obtained by playing a fraud upon the Committee/Authority.

12. He further canvassed that Lingayat is a sect and not a caste. Caste is always recognised from occupation, and the occupation of the ancestors of the Petitioner was/is Bhikshuki, as supported by the affidavit of the villagers. Likewise, the word '*Beda*' means '*Begging for Alms*'. The Vigilance Cell Authority, in its report, observed that the

Petitioner's grandfather was a beggar and, therefore, the Petitioner proved that he belongs to '*Beda Jangam*', a Scheduled Caste.

13. He drew our attention to the first page of the service book of Petitioner's father dated 12-12-1983 wherein his caste was recorded as '*Beda Jangam*'. Lastly, he submitted that the Committee ignored two caste validity certificates issued in favour of Petitioner's father and his cousin brother, as well as the first page of Petitioner's father's service book, and erred in rejecting the Petitioner's validity claim. He argued that pre-constitutional documents of 1885 of his great-great-grandfather denote his caste as '*Lingayat*', and his father's school leaving certificate denotes his caste as '*Hindu Lingayat*'. He contended that Lingayat is not a caste; therefore, the Committee's findings are contrary to the documents produced on record.

14. Lastly, he propounded that the Committee did not consider the mandate laid down by the Hon'ble Apex Court in **Anand (Supra)** and drew our attention to para 22 of the said judgment. In **Yogesh Madhav Makalwad Vs State of Maharashtra, and Others reported in 2025 SCC OnLine SC 1679**, he pointed out para-Nos. 8 and 9 of the said judgment. He argued that the affinity test is relevant and germane to determining the claimants' social status. Accordingly, as per the dictum laid down in **Apoorva (supra)**, the Petitioner is also

entitled to a validity certificate. Therefore, the impugned judgment and order is liable to be quashed and set aside, and he urges that the Petition be allowed.

15. While countering the above submissions, the learned AGP has strenuously argued that the pre-Independence document of 1885 pertains to the great-great-grandfather of the Petitioner, which denotes that he belongs to '*Lingayat*' caste, and Petitioner's father's school leaving certificate indicates that his caste was '*Hindu Lingayat*'. Said document is of the year 1967. Both documents are the oldest ones. The document of 1885 has more probative value than the subsequent documents. Therefore, based on these documents, the Committee rightly rejected the Petitioner's claim that he belongs to '*Beda Jangam*', a Scheduled Caste.

16. He further contended that the Vigilance Cell report categorically indicates that his ancestors were performing Priestly duties, which were performed by the people from the '*Jangam*' caste. Therefore, they were called as '*Swami*'. The people from the '*Jangam*' caste used to perform priestly duties and beg alms, and in the name of the Petitioner and his family members, their surnames are shown as '*Swami*'. Accordingly, the Vigilance report does not support the Petitioner's claim. Therefore, he submitted that passing of the order by the Committee is just, legal and proper and no interference is

required. To buttress his submission, the learned AGP has relied upon the judgment of this Court in *Mahesh Mahadev Turbathmath Vs State of Maharashtra and others in WP/2627/2026 dated 07-09-2026.*

17. We appreciated the rival contentions of the learned Advocates for the parties. We perused the record and the impugned judgment and order, as well as the judgments relied upon by the learned Advocate for the Petitioner and the learned AGP. We have perused the Committee's original record and returned it.

POINTS FOR CONSIDERATION:

18. Thus, the short question that falls for consideration is ‘*whether the Petitioner proves that he belongs to a ‘Beda Jangam’ Scheduled Caste?*’ And ‘*whether the order passed by the Committee requires any interference?*’.

ANALYSIS :

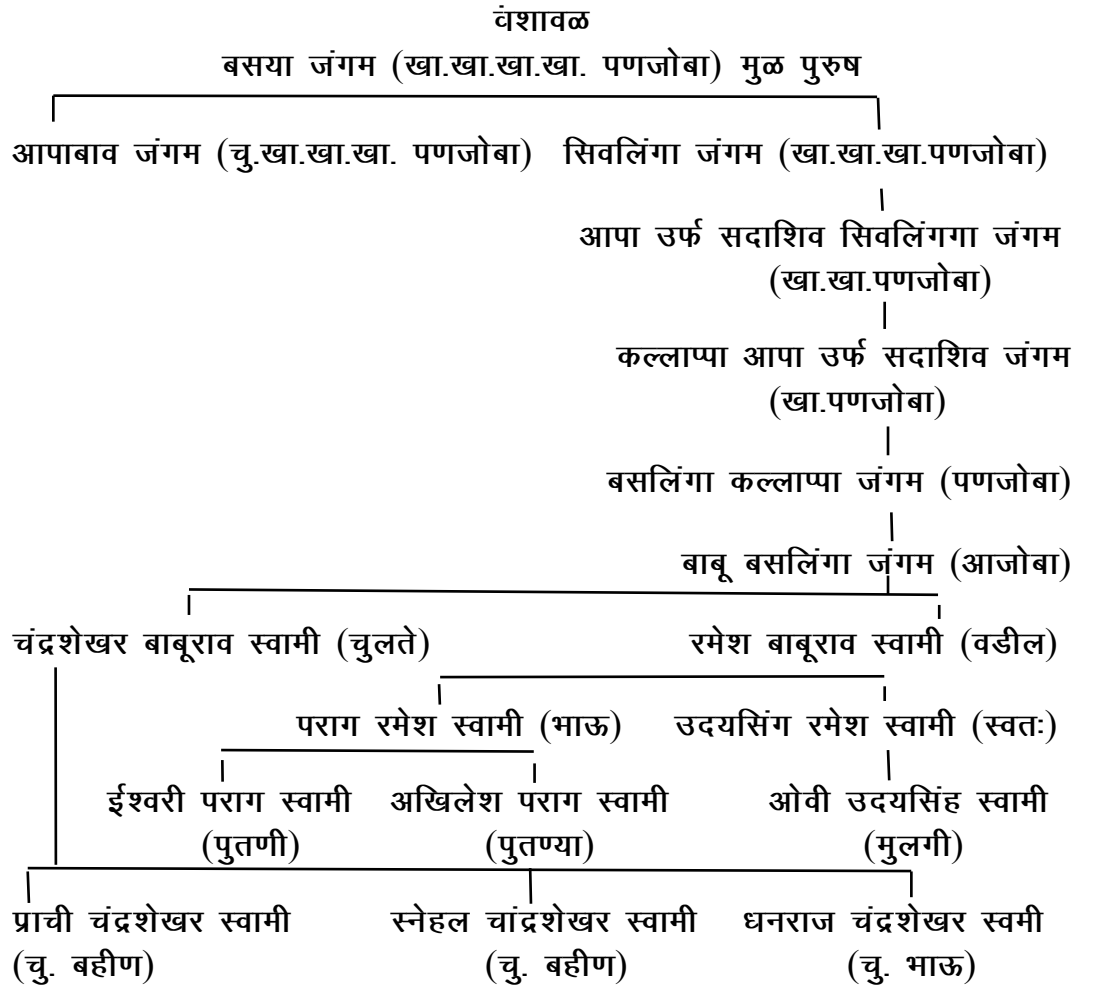
19. While determining the controversy whether the Petitioner belongs to ‘*Beda Jangam*’, a Scheduled Caste or else, it would be appropriate to reproduce the documents produced by the Petitioner before the Committee as under:

अ.क.	पुराव्यांचा तपशील	नमुद जात	उमेदवाराशी नाते
1	उपविभागीय अधिकारी करवीर विभाग कोल्हापूर यांनी दि.01.01.2010 रोजी एमएजी.एसआर.353/09 या कमांकने स्वामी उदयसिंह रमेश यांच्या नावे निर्गमित केलेला जातीचा दाखला.	बेडाजंगम	स्वतः

2	मुख्याध्यापक, पन्हाळा विद्यामंदिर पन्हाळा यांनी दि.13.06.1997 रोजी स्वामी उदयसिंह रमेश यांच्या नावे निर्गमित केलेला शाळा सोडल्याचा दाखला. यामध्ये रजिस्टर नं.5340, जन्म दि.21.03.1980, शाळा प्रवेश दि.12.06.1989 व जन्म स्थळ पन्हाळा असे नमुद आहे.	बेडाजंगम	स्वतः
3	प्राचार्य, विवेकानंद ज्यु.कॉलेज कोल्हापूर यांनी दि.06.06.1995 रोजी स्वामी पराग रमेश यांचे नावे निर्गमित केलेला शाळा सोडल्याचा दाखला. यामध्ये रजि. नं. 8224, जन्म दि.24.03.1978, शाळा प्रवेश दि.28.06.1993 व जन्म स्थळ पुणा असे नमूद आहे.	बेडाजंगम	भारु
4	मुख्याध्यापक, पन्हाळा विद्यामंदिर पन्हाळा येथील रमेश बाबुराव स्वामी यांच्या नावाची नोंद असलेला जनरल रजि.उतारा यामध्ये रजि. नं.1967 व जन्म दि.25.06.1953, शाळा प्रवेश दि.13.06.1967 व जन्म स्थळ. सांगरुळ ता. करवीर नमुद आहे.	हिंदु लिंगायत	वडील
5	विभागीय वन अधिकारी, कोल्हापूर यांनी दि.29.04.1986 रोजी साक्षांकीत केलेली रमेश बाबुराव स्वामी यांच्या सेवापुस्तकाच्या पहिल्या पानाची प्रत, यामध्ये जात हिंदु बेडाजंगम, जन्म दि.25.06.1953 नमूद आहे.	बेडाजंगम	वडील
6	जात प्रमाणपत्र पडताळणी समिती क.2 कोल्हापूर यांनी दि.02.12.2009 रोजी क्रमांक 16633 या क्रमांकाने रमेश बाबुराव स्वामी यांचे नावे निर्गमित केलेले जात वैधता प्रमाणपत्र.	बेडाजंगम	वडील
7	तहसिलदार पन्हाळा, यांनी दि.13.06.2008 रोजी मौ. करंजफेण ता.पन्हाळा येथील निर्गमित केलेला सन 2006-07 मधील <u>7/12</u> उतारा यामध्ये श्री. महादेव वही/ बाबू बसलिंगा जंगम यांच्या नावाची नोंद आहे.	—	आजोबा
8	तहसिलदार पन्हाळा यांनी दि.02.07.2008 रोजी निर्गमित केलेले हक्क नोंदणीचे पत्रक यामध्ये जमिनीचा खातेदार किंवा इनाम जमिनीचा धारण करणार सर्व्हे नं. 33 दे.इ. या इनाम जमिनीवर बसलिंगा कलापा जंगम यांच्या नावाची नोंद आहे.	—	पणजोबा
9	तहसिलदार पन्हाळा यांनी दि.05.07.2008 रोजी निर्गमित केलेल्या महसूली पुराव्यामध्ये देवस्थान श्री महादेव यासाठी बसलिंगा कलापा जंगम यांचे मृत्यूनंतर सरळ वारस मुलगा बाबू बसलिंगा जंगम यांच्या नावाची पुजा, अर्चा व नैवेद्य साठी नोंद केलेली आहे.	—	आजोबा व पणजोबा
10	अभिलेखाधिकारी पुराभिलेख, कार्यालय कोल्हापूर यांनी दि.11.12.2007 रोजी रमेश बाबुराव स्वामी यांचे नावे निर्गमित केलेले मौ.करंजफेण ता.पन्हाळा येथील मोडलिपीतील महसूली दस्तऐवज. यामध्ये श्री. महादेवाचे नावे उत्पन्न असल्याकामावर कलापा बिन आपा जंगम यांचा दि.20 मार्च 1885 रोजी नोंदविलेल्या जबाबामध्ये नाव कलापा बापाचे आपा उर्फ सदाशिव जंगम जात लिंगायत धंदा भिक्षा मागणेचा असू नमुद आहे. तसेच त्यामध्ये त्यांची वंशावळही दाखविलेली आहे. सदरचे दस्तऐवज हे मोडलिपीतील असून त्यांचे एफ.एम. हूसेन यांनी देवनागरीमध्ये लिप्यांतर केलेले आहे.	लिंगायत	खापर पणजोबा

11	वरील पुराव्यामध्ये दि.20 मार्च 1885 रोजी कलापा आपा जंगम यांचे पुढीलप्रमाणे प्रतिज्ञापत्र आहे. माझे नाव कलापा बापाचे नाव आपा अडनाव माहीत नाही जात जंगम, उमर वर्ष 40 का. भिक्षा मागणे, राहणार पनाला, लिहून देतो की, मौ. करंजफेण बोरगाव येथील महादेव देवस्थानबाबत माहिती लिहीली आहे.	जंगम	खापर पणजोबा
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20. Similarly, it would be appropriate to reproduce the genealogy tree given by the Petitioner.



21. At the outset, it is evident that the Petitioner, to substantiate his claim, has submitted eleven documents. Out of them, two documents of the year 1885 pertaining to the great-great-

grandfather are pre-constitutional. The first 1885 revenue document was issued by the Archaeological Department, Kolhapur, and pertains to the Petitioner's great-great-grandfather. In it, the Petitioner's great-great-grandfather, Kallappa, filed an Affidavit. In the affidavit, he affirmed on oath on 20-03-1885 that his caste is '*Jangam*'. The second 1885 document indicates that his great-great-grandfather Kallappa's surname is mentioned as '*Jangam*' and his caste as '*Lingayat*'. The Petitioner himself produced the said documents. These documents are the oldest and pre-constitutional and therefore have more probative value than the subsequent documents. The third-oldest document at Sr. No. 4 is the school leaving certificate of his father, Ramesh, which indicates that on 13-06-1967 he took admission in Panhala Vidya Mandir, Panhala, wherein his caste was recorded as '*Hindu Lingayat*'. These three documents are the oldest ones. The entries in those documents do not depict the Petitioner's caste as '*Beda Jangam*'. But they indicate that his great-great-grandfather and father belonged to '*Jangam*', '*Lingayat*' and '*Hindu Lingayat*', respectively.

22. It is a settled principle of law that a person gets his/her caste by birth. It is trite law that pre-constitutional documents have more probative value than subsequent documents. Accordingly, the entries concerning the great-great-grandfather as '*Jangam*', '*Lingayat*'

and ‘*Hindu Lingayat*’ were recorded. The Petitioner owes an explanation, which the Petitioner has failed to furnish. Section 8 of the Act casts a burden on the Petitioner to prove that the aforesaid entries are incorrect or that he belongs to ‘*Beda Jangam*’, a Scheduled Caste. The Fact remains that the Petitioner has failed to discharge such burden. On the contrary, he does not dispute the said entries but admitted that the same are correct. However, to justify his contentions, he argued only that ‘*Lingayat*’ is a sect and not a caste. Therefore, it cannot be said that the Petitioner belongs to the ‘*Lingayat*’ caste. However, we do not find merit in his contentions in that regard, as the Hon’ble Supreme Court, in a catena of judgments, has categorically held that entries have to be read as they are.

23. In *Maroti Vyankati Gaikwad and Others Vs Deputy Director & Member-Secretary, the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others [W. P. No.12/2022 decided on 17-04-2023]* full bench of this court, after considering the various judgments of the Supreme Court as well as this court, has categorically held that ‘*entries in the documents have to be read as they are and the same cannot be read differently*’. It would be appropriate to reproduce para 17.7 of the said judgment which reads thus:

17.7. It would thus be clear that any claim by any tribe, sub-tribe or parts of such tribe or sub-tribe, whether

having any similarity, prefix/suffix, synonymity, with the name of the tribe as mentioned in the Presidential (ST) Order 1950, of being included in such Scheduled Tribe, would not be permissible. No enquiry in respect of such a claim is permissible. No enquiry of any nature whatsoever is permissible with reference to any material, whatever it may be and in whatever form, to interpret or construe the entries in the Presidential (ST) Order 1950, which have to be read as it is. The Scheduled Tribe 'Mana' in Entry 18 has to be read as only and only 'Mana' and not as an umbrella or community and therefore, tribes with similar/synonymous names or names with a prefix/suffix to 'Mana' cannot claim any social status of a Scheduled Tribe. Thus, persons belonging to tribes or sub-tribes such as 'Badwaik Mana', 'Khand Mana', 'Kshatriya Mana', 'Kshatriya Badwaik Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani'/'Mane', 'Mane Ku', 'Mana Ku', 'Ku Mana', 'Mana Kunbi', 'Patil Mana', etc cannot be held to be included in the Scheduled Tribe 'Mana', in entry 18 in the Presidential (ST) order 1950 and thus cannot claim the Status of a Scheduled Tribe.

24. Upon bare perusal of the above dictum, it appears that this court has categorically held that the person belonging to Tribes or sub-tribes etc. cannot claim the status of a Schedule tribe.

25. Apart from that, the Vigilance Cell, after conducting the enquiry, submitted its report to the Committee, wherein the Committee opined that people belonging to the '*Jangam*' caste are from the '*Lingayat Sect*' and perform duty as priests and, therefore, are called as '*Swami*'. Undisputedly, the surname of the Petitioner and his

ancestors is ‘Swami’, which indicates that they belong to the ‘Jangam’ caste and not ‘Beda Jangam’ as claimed. Therefore, in our opinion, the said Vigilance Cell’s report does not support the Petitioner’s claim.

26. In *Anand’s* case (supra), in para 22, the Hon’ble Supreme Court held that “*while dealing with the documentary evidence, greater reliance may be placed on the pre-independence document because they furnish a higher degree of probative value to the declaration of status of a caste as compared to post-independence documents.*” Therefore, in our view, the said law laid down in para 22 does not help the Petitioner. On the contrary, it supports the committee's decision.

27. In *Yogesh* (supra), the Hon’ble Supreme Court, in para 8, observed that, “*insofar as the applicability of the affinity test is concerned, a cautious approach has to be adopted.*” Para 9 deals with “*whether there is interpolation in the document or not*”. However, the facts in the present case differ from those in *Yogesh* (supra). Therefore, the dictum laid down therein does not apply to the case at hand, as there is no question of interpolation. But the Petitioner himself relies on the document of the year 1885.

28. In *Mahesh* (supra), this Court, after considering the material on record, in para 16 held that “*the school entry of the Petitioner’s father does not show the caste as ‘Beda Jangam’ but*

shows the religion and caste as 'Hindu Lingayat Beda Jangam.'

Therefore, said document does not support the Petitioner's claim as 'Beda Jangam'. In para 17, it was held that "*the affidavits of the villagers cannot form the basis to validate the Petitioner's claim by ignoring the documentary evidence, and therefore it was held that the Petitioner failed to prove that he belongs to 'Beda Jangam' and dismissed the Petition.*" In the case at hand, the Petitioner also relies on the villagers' affidavit. However, in view of the dictum in Mahesh (supra), it cannot form the basis for validating the Petitioner's claim by ignoring the documentary evidence.

29. Perused the judgment and order passed by the Committee dated 27-02-2017 whereby a validity certificate was granted in favour of Dhanraj, cousin brother of the Petitioner. It reveals that the Committee, though it referred to eleven documents in the table, did not consider the documents at Sr. No. 3, 4, 10 and 11 in their proper perspective, wherein the document at Sr. No. 3 was the school leaving certificate of father Dhanraj, wherein his father's caste was recorded as '**Lingayat**'. The school leaving certificate indicates that his father took admission in the school on 10-06-1969 and that entry was taken at that time. The document at Sr. No. 4, the school leaving certificate, pertains to the petitioner's father and shows that he took admission in

the school on 13-06-1967, when his caste was recorded as '*Lingayat*'. Documents at Sr. No. 10 and 11 pertain to the petitioner's great-great-grandfather. The Archaeological Department, Kolhapur, issued the first revenue document in 1885. The Petitioner's great-great-grandfather, Kallappa, filed an Affidavit. In the affidavit, he affirmed on oath on 20-03-1885 that his caste is '*Jangam*'. The second 1885 document indicates that his great-great-grandfather Kallappa's surname is mentioned as '*Jangam*' and his caste as '*Lingayat*'. These two documents at Sr. No. 10 and 11 are pre-constitutional documents and therefore have greater probative value. The Committee did not consider those documents in their proper perspective, and it erred in granting validity. Therefore, in our opinion, the said judgment and order, and the Committee's issuance of the validity certificate in favour of Dhanraj, are not helpful to the Petitioner in support of his claim, as the Committee ignored those crucial documents.

30. The next question that arises for consideration is whether the dictum laid down in the decision in *Apoorva* (supra) applies to the case at hand or helps the Petitioner to substantiate his claim that he belongs to '*Beda Jangam*'. The 1885 document does not show that the Petitioner's great-great-grandfather belonged to '*Beda Jangam*'; nor do the school leaving certificates of the Petitioner's father and

uncle of 1967 and 1969 show that they belonged to '*Beda Jangam*', but their caste was recorded as '*Lingayat*', '*Jungam*', and '*Hindu Lingayat*'; therefore, they do not help him to prove his claim. As observed above, while granting the validity certificate in favour of the Petitioner's father and cousin brother, the Committee ignored those old documents of 1885, 1967, and 1969 or else the Committee misconstrued those documents; and granted validity in their favour, though the same were produced on record; therefore, the validities granted in favour of the Petitioner's father and cousin brother are hardly of any assistance to him in view of the law laid down in *Apoorva Nichale's* case. Therefore, in our view, the mandate laid down in *Apoorva* (Supra) does not apply to the case at hand or help the Petitioner to substantiate his claim that he belongs to '*Beda Jangam*'. Therefore, the mandate laid down in *Apoorva* (Supra) is hardly of any assistance to the Petitioner. On the contrary, it reveals that the oldest entries of the year 1885 pertain to the great-great-grandfather of the Petitioner, as well as the entries in the school leaving certificate of the Petitioner's father and uncle, found adverse to the claim of the Petitioner; therefore, in our view, the Petitioner is not entitled to get the validity based on the validity certificate issued in favour of his father and cousin brother."

31. Perused the impugned judgment and order passed by the Committee dated 07.11.2015. The Committee, after scrutiny of the documents on record, has drawn six conclusions. In the conclusion at Sr. No. 2, it is observed that “*in the school leaving certificate of the father of the Petitioner, his caste was recorded as ‘Hindu Lingayat’.* Based on the said, it cannot be said that the Petitioner proved that he belonged to the ‘Beda Jangam’ caste”. In conclusion, at Sr. No. Six, it is observed that “*the school leaving certificates of the petitioner's father and uncle to which it pertains recorded their caste as ‘Lingayat’.*” Therefore, the committee has held that “the oldest entries do not indicate that the petitioner's ancestors were of the ‘Beda Jangam’ caste, accordingly, the claim was rejected. The Committee's findings appear just and proper.

CONCLUSION :

32. To sum up, it reveals that documents of 1885 produced by the Petitioner pertain to his great-great-grandfather, and school leaving certificates of the Petitioner’s father and uncle of 1967 and 1969 wherein their caste was recorded as ‘Jangam’, ‘Lingayat’ and ‘Hindu Lingayat’ respectively. These are the oldest entries, and he is not disputing them. Therefore, in view of the law laid down by the Hon’ble Supreme Court in a plethora of decisions, the oldest entries

have more probative value than the subsequent documents; likewise, in view of the dictum laid down by the Full Bench in *Maroti (supra)*, “*the entries have to be read as they are and the same cannot be read differently*”. In such an eventuality, in our opinion, the Petitioner failed to discharge the burden cast upon him under Section 8 of the Act to demonstrate that he belongs to ‘*Beda Jangam*’. The entries of 1885 and 1967 pertain to his great-great-grandfather, and his father, recorded as ‘*Jangam*’, ‘*Lingayat*’ and ‘*Hindu Lingayat*’, are adverse to his claim that he belongs to ‘*Beda Jangam*’. The Petitioner failed to explain these adverse entries despite being granted sufficient opportunity.

33. In such circumstances, in our opinion, the validity granted in favour of the Petitioner's father and cousin brother is hardly of any assistance; therefore, the law laid down by this Court in *Apoorva (supra)* does not apply to the case at hand. The Petitioner failed to explain the said adverse oldest entries; therefore, the said validity certificates are hardly of any assistance to him in support of his claim. In this background, in our opinion, the Petitioner failed to prove that he belongs to ‘*Beda Jangam*’, a Scheduled Caste. Therefore, in our opinion, the Committee is justified in recording the findings that the Petitioner failed to establish that he belongs to ‘*Beda Jangam*’,

a Scheduled Caste. For all the aforesaid reasons, we are of the opinion that no case is made out warranting interference in extraordinary jurisdiction.

34. Consequently, *the Petition, being bereft of merits, stands dismissed*. No order as to costs.

35. The Rule is discharged.

36. **The Petition is disposed of.**

[ABHAY J. MANTRI, J.]

[RAJESH S. PATIL, J.]

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