

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 614 of 2000

Sheikh Tahirmiyan Sheikh Noorbhai,
Aged 26 years,
Occupation : Agriculture,
R/o. At & Post : Kandli,
Taluka : Kalamnuri,
District : Hingoli.

.. Petitioner.

versus

1. The State of Maharashtra.
 2. The Caste Certificate Scrutiny Committee,
(Through Its Chairman and Divisional
Social Welfare Officer),
Aurangabad.
 3. The Tahsildar and Taluka Executive
Magistrate,
Hingoli.
- .. Respondents.

.....

*Mr. U.R. Awate, Advocate, holding for
Mr. S.B. Talekar, Advocate, for the petitioner.*

*Mr. D.V. Tele, Assistant Government Pleader, for
respondent nos.1 to 3.*

.....

**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATE : 6TH JULY 2015

ORAL JUDGMENT (*Per A.V. Nirgude, J.*) :

1. Heard learned Counsel for the petitioner and the learned AGP for the respondents.
2. The learned Counsel for the petitioner states, that although he did not receive any instructions from his client, despite sending letter, he would like to argue the case on merits.
3. The learned Counsel for the petitioner asserted that as a result of referring the case of the petitioner by the Government Department for scrutinizing caste claim of the petitioner, respondent no.2 - Scrutiny Committee by the impugned judgment and order dated 8th October 1999, has rejected the petitioner's claim that he belonged to caste '*Beldar*' which is a Nomadic Tribe. Though notice of the enquiry was given to the petitioner, he did not go before the Committee. He sent various documents, which are certificates issued by various Government Officials, declaring that the petitioner's caste was '*Beldar*'. These certificates were issued after 1985. The Committee held that these documents are of recent origin and in absence of school record of the petitioner or his blood relatives, showing his caste as '*Beldar*', the documents produced on record were not sufficient. The Committee also came to a conclusion that '*Beldar*', which is a Nomadic Tribe, would not profess Islam. It does not appear that the Committee sought report from Vigilance Cell.
4. The learned Counsel for the petitioner made two submissions. Firstly, he said that the judgment is vitiated in absence of Vigilance Cell

report and the case deserves to be remanded back. Secondly, he said that in 2001, the legislature took notice of the fact, that 'Beldar' - Nomadic Tribe is also amongst Muslims.

5. Both these objections are not quite sufficient to persuade us to take a different view in the matter. The claim was decided in 1999. The *prima facie* material, which the petitioner produced before the Committee, itself, was so weak that the Committee probably did not consider it necessary to go for Vigilance Cell report. The reason, that Muslim would not be a 'Beldar', is not quite relevant because, at that time, Muslims were not included as Nomadic Tribe. Assuming this to be incorrect reason for rejecting petitioner's claim, we are of the view that though this reason for rejection could be incorrect, other reasons recorded by the Committee are quite convincing. We find no error in the judgment and order passed by the Scrutiny Committee.

6. In the result, the petition is dismissed. Rule is discharged. There shall be no order as to costs.

(A.M. BADAR)
JUDGE

(A.V. NIRGUDE)
JUDGE

.....