

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

WRIT PETITION NO. 2031 OF 2003

Subhash s/o Vithalrao Chawade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr Anil Golegaonkar, Advocate for the petitioner
Mr S. B. Pulkundawar, AGP for respondent/State

**CORAM: A.V. NIRGUDE &
V.K. JADHAV, JJ.**

DATED : FEBRUARY 12TH, 2015

PER COURT :-

1. Heard.

2. This petition challenges the judgment and order dated 25th October, 2002, delivered by Three Member Caste Scrutiny Committee, rejecting the petitioner's claim that he belongs to a Schedule Caste by name 'Lingder'. The petitioner was given sufficient opportunity to submit documents in support of his claim. Accordingly, several documents were submitted

before the Committee and the Committee rejected almost all the documents and held that petitioner did not belong to a Schedule Caste.

3. The learned Counsel for the petitioner rightly suggested that in such cases, old documents assumed importance. He said that, the learned Members of the Committee did not consider the old documents properly. He invited attention to document at Serial No. 28, which is a document written in 'Modi Script' in 1947 or so. This document is scribed on stamp paper. The said stamp paper is of 1947. This stamp paper was issued by the erstwhile Nizam Government. The Devnagari conversion of this document is not in dispute but it shows that this is in respect of transfer of a plot of land at village Tamlur. It is further seen from this document that Iranna, the grand father of the petitioner showing his caste as 'Lingder', agreed to purchase plot of land at village Tamlur. The Committee rejected this document mainly because it was not a registered document. This could be an incorrect reason for rejection of the document. We too are inclined to hold that this is a weak piece of evidence. This is an isolated document

showing one transaction between the grand father of the petitioner and one Abdul Saheb in 1947 or thereabout. What happened to this transaction; whether the plot of land was purchased by the grand father of the petitioner; whether this plot is still with them or whether this plot was further sold; whether this document was referred to in any further transaction etc., are few questions that come mind. The petitioner did not throw any light on these principle events. We do not give any importance to this document.

4. Besides, we might also observe that such documents are capable of being manufactured. We are not holding that this document is forgery but, this document does not appear to us a strong piece of evidence.

5. The second document is of 1950 and is a Government document. It is a revenue document showing that the petitioner's father, who was resident of Tamlur, had sufficient lands etc. In this document, the petitioner's father's caste is also mentioned as 'Lingder' but, having gone through the original documents, the Committee members rejected it because the

word 'Lingder' mentioned in this document is scorned out. We are also not inclined to give much importance to this document mainly because the document did not require mentioning of caste of the account holder. The document required only his name and address.

6. The third point that went against the petitioner is his reliance on validity of his cousin's caste claim. He said that his cousin Sudhakar's caste claim was accepted. The Caste Scrutiny Committee in the present case disbelieved the petitioner's case that Sudhakar was his cousin. It is mentioned in the judgment that the evidence that was brought on record was not sufficient to prove that Sudhakar was the petitioner's cousin. We also do not give much importance to this aspect of the case. Since we are not examining the caste claim of Sudhakar, we are unable to opine whether his caste claim was properly decided or not? If the petitioner wants to succeed in his case, he must produce documents of old origin which would support his case.

7. Scheduled Castes at least in Maharashtra are quite distinct. They were socially backward. They were considered as

Untouchables. Persons belonging to such castes are generally in a position to show their caste from documents, which originated prior to 1947. In case of genuine claims, such documents are easily found. In this case, there is strong similarity between a community by name 'Lingayat' and a Scheduled Caste by name 'Lingder'. The caste claim of the petitioner does not appear convincing at all. Petition stands rejected.

8. Learned Counsel for the petitioner seeks stay of this order so as to challenge the same in Supreme Court.

9. Request made by learned Counsel for petitioner is rejected.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]