

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO.:3862 OF 2012

Subhash Prabhu Mudiraj
VERSUS
The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad

WITH

WRIT PETITION NO.:3865 OF 2012

Suryakant Prabhu Mudiraj
VERSUS
The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad

Mr. Kudale Bhagwan S. , Advocate for Petitioner.
Mr.P.N.Mule A.G.P. for Respondent/State Authorities.
Mr. Bade Patil K.D., Advocate for Respondent No.1.

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 10th February, 2015.

P.C.:

. Mr.Kudale, learned counsel for the Petitioners submits that the tribe certificates of the Petitioners as belonging to “Koli Mahadeo Scheduled Tribe” were referred to the Committee for validation. The same are rejected. According to the learned counsel, at the relevant time, the Petitioners could not get the knowledge of the validity given in favour of one Mr.Anil Mudiraj, who is the son of cousin brother of the Petitioners. According to the learned counsel, the Committee has not considered the vigilance report in its correct perspective. Telgu is not a caste, but it is a language spoken. The same could not have been considered as a contra

evidence. The learned counsel submits that only because there is no old document substantiating the tribe of the Petitioners as “Koli Mahadeo” that is not sufficient to negate the case of the Petitioners. The learned counsel submits that opportunity deserves to be given to prove the case of the Petitioners, more particularly, in view of the validity granted in favour of the son of cousin brother of the Petitioners. The learned counsel submits that even the lease-deed, which is in Urdu language dated 12th April, 1948, executed by the grand mother shows the caste as “Koli Mahadeo”. According to the learned counsel that is a sufficient evidence to be considered to prove the case of the Petitioners.

2 Mr. Bade Patil, learned counsel submits that in the school record of the Petitioners, the caste is recorded as “Mudiraj”, which itself is a separate caste and even in the document of his relatives, the caste is recorded as “Koli” or “Telang”. The learned counsel submits that there are contra evidence and there is not a single document of the school record or other documents of the Petitioners or their father or their first relatives showing the caste as “Koli Mahadeo”. The Committee has rightly considered the said aspect.

3 The validity which is sought to be relied is purportedly issued in favour of the son of cousin brother of the Petitioner. We are not going into the legality of the said validity certificate. However, it would be seen that the documents which are produced on record, not a single document records the caste as “Koli Mahadeo”. The document of the Petitioners records the caste either as “Hindu” or “Mudiraj” or “Telangi” and in one of the cousin brother, it is recorded as “Koli”. Not a single document even remotely records the caste of the Petitioners or their first relatives as “Koli Mahadeo”. The evidence on record will have to be considered. It is not the case that the validity is in respect of the first

relation or his father or so. It is said to be in favour of the son of cousin brother of the Petitioners. The genealogy produced before the Committee also does not depict the name of the said son of cousin brother of the Petitioners in whose favour the validity is issued.

4 The other document sought to be relied i.e. lease-deed executed by the grand mother, is an unregistered document. It would be unsafe to rely on the said document at this late stage.

5 Considering the above, we do not find any illegality committed by the Committee in invaliding the tribe certificates of the Petitioners. As such, both the writ petitions stand dismissed. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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