

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5913 OF 2014

Kallappa Sattappa Mali.	...	Petitioner.
V/s.		
The State of Maharashtra and another.	...	Respondents.

Kuldeep U. Nikam for the petitioner.

Vikas Mali, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 4th December 2015.

PC.

By this petition, the petitioner has questioned the legality and correctness of the order dated 28th November 2013 passed by respondent No.2- Committee thereby invalidating his caste claim.

2. The petitioner claims himself to be belonging to a tribe known as "Hindu Bhil", a scheduled tribe. His claim was forwarded to respondent No.2- Committee by the Maharashtra State Co-operative Housing Finance Limited, Sangli for its verification. A vigilance inquiry was conducted and report dated 25th April 2011 was submitted to the Committee. After considering the report and making due inquiry, the Committee came to the conclusion that the documents submitted by the petitioner in support of his tribe claim could not be relied upon being of

doubtful character and there being no other evidence showing that the petitioner's status was that of Hindu Bhill tribe, the Committee declared his claim of belonging to Hindu Bhill tribe as invalid and directed that the caste certificate issued to him by the Tehsildar and Executive Magistrate, Jat, district- Sangli dated 19th June 1984 be cancelled and confiscated. Being aggrieved by this order, the petitioner is before this Court in the present writ petition.

3. We have heard Shri Kuldeep Nikam, learned counsel for the petitioner and Shri Vikas Mali, learned A.G.P. for respondent No.1- State. None appeared for respondent No.2.

4. The learned counsel appearing for the petitioner submits that no proper inquiry was conducted by the vigilance officer and that whatever inquiry was made, was one-sided in the sense that only the relatives of the side of petitioner's wife were inquired with, though the petitioner had all along been saying that he performed an inter-caste marriage by marrying a woman of Hindu Lingayat caste. Therefore, according to the petitioner, such an inquiry was insufficient to determine the tribe status of the petitioner in a proper manner. He also submits that documents of years 1943 and 1960, showing caste entry of the petitioner and his uncle, were pre-constitution documents, on maintenance of which the petitioner had no control and, therefore, ought to have been accepted by the Committee as reflecting correct tribe status of the petitioner. He submits that the Committee has wrongly held these documents to be of doubtful character being probably manipulated. He also submits that for

the same reasons, the property extract of November 1950, showing Yallappa Rama Mali and Sattappa Gurusiddhappa Mali belonging to Hindu Bhill tribe, should not have been rejected by the Committee.

5. Shri Mali, learned A.G.P. appearing for the State, submits that on the face of the documents relating to years 1943 and 1960 as also 1950, the manipulation is apparent and, therefore, no error could be found in the conclusion drawn by respondent No.2- Committee as regards doubtful nature of these documents. He further submits that even the genealogy given by the petitioner has been found to be incorrect and the persons stated by him as his relatives from his father's side were later on found to be relatives related to him through the side of his wife and their caste was found to be Hindu Lingayat. He further submits that proper inquiry has been conducted by the vigilance officer as well as respondent No.2- Committee and, therefore, there is no merit in this petition.

6. We have gone through the impugned order as well as the paper book of this petition with the assistance of learned counsel for the petitioner and learned A.G.P. appearing for the State. Upon perusal of record available, we find that the inquiry that has been conducted by the vigilance officer was fairly thorough and objective and that it could not be said that some important aspects have been left to be touched during the course of inquiry. Even the genealogy submitted by the petitioner was incorrect and some of the persons named therein to be his paternal relatives were, in fact, his relatives from his wife's side, belonging to Hindu Lingayat caste. The documents, on which reliance has been

placed by the petitioner and copies of which are also available on record, upon bare perusal, give an impression that the relevant entries are manipulated as the words "Hindu Bhill" appear in different handwriting than the words of other entries. No reliance, therefore could be placed on such entries and we are of the view that the respondent No.2- Committee has rightly rejected the said documents. Apart from above documents having such doubtful entries, there is no evidence produced by the petitioner in support of his claim. We find no error of law or any perversity in the impugned order passed by respondent No.2. There is no merit in the petition.

7. Petition is dismissed. No order as to costs.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)