

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5658 OF 2014

Ishwar Shyamrao Parate

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.S.Shirsat, counsel for the petitioner.
Mr.T.R.Kankale, AGP for the respondent Nos.1, 2, 4 and 5.
Mrs. Bharti Dangre, counsel for the respondent No.3
Ms Kavita S. Poojary, counsel for the respondent No.4.
Mr.Rohit Deo, ASGI for the respondent Nos.6 to 10

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 30.03.2015.

By this petition, the petitioner impugns the order of the Scheduled Tribe Scrutiny Committee, Nagpur dated 05/09/2014, invalidating the claim of the petitioner of belonging to Halba Scheduled Tribe.

On hearing the learned counsel for the parties and on a perusal of the impugned order, we find that there is no scope whatsoever for interference with the impugned order, in exercise of the writ jurisdiction. The petitioner had relied on comparatively recent documents to show that the petitioner belongs to Halba scheduled tribe. The petitioner had concealed the old documents of the real paternal uncle of the petitioner which were of Pre-Independence Era and the Vigilance Cell unearthed the said documents and submitted a report that the petitioner does not appear to belong to Halba scheduled tribe. The Scrutiny Committee gave weightage to the old documents of the year 1936, 1941 and

1948 and rightly so against the recent documents produced by the petitioner. All the old documents recorded “Koshti” in the caste column whereas in the recent documents tendered by the petitioner caste 'Halba' was recorded. The Scrutiny Committee rightly appreciated the material on record to hold that the petitioner did not belong to Halba scheduled tribe and belonged to Koshti caste. The Scrutiny Committee also found that the occupation of the forefathers of the petitioner was weaving, which is the occupation of persons belonging to Koshti caste. The petitioner had failed to prove his affinity to Halba scheduled tribe. In view of the aforesaid, we do not find that the Scrutiny Committee committed any error in invalidating the caste claim of the petitioner.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE