

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.6402/2011
Dinanath Anandrao Kharbikar Vs. State of Mah.and others.

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

Court's or Judge's
Orders.

Shri S.S. Sirsat, Advocate for the petitioner.
Shri Kankale, AGP for the respondents 1 to 5.

CORAM : B.P. Dharmadhikari &
A.P. Bhangale, JJ.
DATE : February 20, 2015.

Heard Advocate Shri Sirsat at length, Advocate Deshpande, Advocate Khandewala and learned AGP Kankale as also Advocate Anjan De have appeared for the respective respondents.

After hearing, we find that though documents of petitioner himself may show caste as "Halba", old documents of his cousin uncles dated 26.6.1944, 1.5.1947 and 21.7.1947 revealed their caste to be "Koshti". A document dated 11th April, 1950 of his real uncle also recorded caste as "Koshti".

In the face of these documents, reliance of petitioner on school leaving certificate of his relative namely Tukaram Mirajji Kharbikar on 16.7.1956 cannot be sustained. In that school leaving certificate, caste has been recorded as "Halba".

Shri Shirsat submits that the petitioner should be given one opportunity to point out that said Tukaram is not distant relative and that documents of his

ancestors also record caste as "Halba". However, any such document of ancestors of Tukaram is not produced before this Court. Similarly, petitioner got notice to show cause on Vigilance Cell report and an opportunity to submit explanation. In that explanation, the petitioner could have explained how in old documents caste was recorded as "Koshti" and real caste was "Halba". No such effort was made by petitioner.

In this situation, on the strength of material becoming available to it, the Scrutiny Committee has reached a finding which cannot be said to be perverse or without jurisdiction. No case is, therefore, made out. The petition is rejected. No costs.

JUDGE

JUDGE

Ambulkar