

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

WRIT PETITION NO. 6891 OF 2014.

Ku.Neha Indrapal Pal ..vs.. State of Mah. and ors.

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

Court's or Judge's orders

Mr.Kunal Nalamwar, Adv. for the petitioner.
Mrs.B.P.Maldhure, AGP for resp.1 to 3.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 28, 2015.

Heard Shri Nalamwar, learned counsel for the petitioner and Mrs.B.P.Maldhure, learned AGP for the respondents.

Perused claim of the petitioner as also impugned order and reply filed by respondent no.2 and also on behalf of respondent no.3-Divisional Caste Scrutiny Certificate Committee.

Caste claim of the petitioner as belonging to 'Dhangar - Nomedic Tribe, has been invalidated on 31st of October, 2014. The discussion shows that school Leaving Certificate in relation to her father Indrapal dated 30th of April, 1970 was found to be a fabricated document. Second reason is the sale-deed dated 25th of February, 1991 which carried name of Dharmendra Babulal Pal could no be co-related with petitioner as said name did not figure in family tree. Last reason is, name of great-grand-father as disclosed by petitioner was Uma and it was not pointed out that he was also known as Rama. Affidavit subsequently filed for said purpose has not been accepted as there was no other documentary evidence to support this contention.

With the assistance of respective counsel, we have perused record. Birth entry of 1927 shows birth of a male child to one Rama

Dhangar. The petitioner claims that this Rama is her great-grand-father, however, in family tree name Uma was disclosed. Hence, an affidavit has been given urging that Uma was also known as Rama. This affidavit has been given during vigilance enquiry and therefore Scrutiny Committee has not accepted it.

The petitioner was aware that name of Rama was used in old entry. It was open to petitioner to file an affidavit immediately while supplying documents or while giving family tree itself.

Insofar as School Leaving Certificate issued to her father Indrapal is concerned, it is purportedly dated 30th April, 1970 and it mentions that he joined the school run by Depressed Class Newday Primary Education Society, Lakshkaribagh, Nagpur on 20th of July, 1966. This school was found closed and verification with Education Department reveals that there was no such school on records of Education Department.

Efforts of learned counsel for the petitioner is to show that when Vigilance Cell visited the school, it has not recorded that school was not in existence but it was found closed. However, as submitted by learned AGP, the records of Education Department will have to be accepted. This record reveals that such a school was not in existence.

Moreover, the document produced though purportedly dated 30th of April, 1970, the Scrutiny Committee has found that from ink used and its lamination, it appeared that it was a new document and therefore, fabricated one. This finding is finding of fact and could not be shown to be perverse. Unfortunately, father of petitioner Indrapal never worked with any public body or other employer and as such had no occasion to use that School Leaving Certificate. Therefore, there is no other evidence available to support that document.

The sale -deed of Dharmendra Babulal Pal is also pressed into the service. Authority has found that a relative of that name is not established. This again should not be shown to be erroneous or perverse.

In this situation, orders passed by Scrutiny Committee and impugned before this court cannot be said to be perverse. No case is made out for interference. Petition is rejected.

JUDGE

JUDGE

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