

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9679 OF 2014

1. Devidas s/o Shripati Salve
Age 38 years, Occu: Agri.
 2. Gorakh s/o Shripati Salve
Age 42 years, Occu: Agri.
 3. Shripati s/o Tukaram Salve
Age 62 years, Occu: Agri
All R/o Telkudgaon, Tq. Newasa,
District: Ahmednagar
- ... Petitioners.**

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
 2. The President/Member
Divisional Caste Certificate
Verification Committee No.1,
Nashik.
 3. The Deputy Collector/ Special Land
Acquisition Officer, Ahmednagar.
 4. The Executive Magistrate/Tahsildar
Newasa, Tq. Newasa,
Distroct- Ahmednagar.
 5. Suresh s/o Karbhari kale
Age 40 years, Occu: Agricultural
R/o Telkudgaon, Tq. Newasa,
District: Ahmednagar.
- ... Respondents**

Mr. Manoj A. Dond & Mr. Gajanan B. Kingre, Advocates
for the petitioners
Mr. P. S. Patil, AGP for the respondents-State.
Mr. Marked h/for Mr.A. N. Kakade, Advocate for
respondent No.5

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 25th July, 2016

JUDGMENT: (Per Borde, J.)

1. Heard the learned counsel for the parties.
2. Rule. Rule made returnable forthwith and the petition is taken up for final disposal by the consent of learned counsel for the respective parties.
3. The petitioners are objecting to the order passed by the Scrutiny Committee on 03.01.2014 directing invalidation of the caste certificates issued to the petitioners. The petitioners claim to belong to Mahar Caste which is included in Scheduled Caste Category. The certificates issued to the petitioners were referred to the Scrutiny Committee for verification. On considering the evidence tendered by the petitioners and on perusal of the report of the vigilance cell, the Scrutiny Committee derived an inference that the petitioners have failed to substantiate their caste claims and as such directed invalidation of caste certificates.
4. We have perused the judgment delivered by the Scrutiny Committee. We do not find any inconsistency or

error in the view adopted by the Scrutiny Committee invalidating the caste certificates. There is abundant evidence on record to derive an inference that petitioners in fact belong to Christian religion and do not belong to Scheduled Caste category. Decision of the Scrutiny Committee of invalidation of caste certificates does not call for any interference and the same is confirmed.

5. The Scrutiny Committee has further directed registration of offence against the petitioners under section 11(1)(a) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jaties), Nomadic Tribes, Other Backward Classes and Special backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. Section 11 (1) of the Act, 2000 provides that whoever obtains a false certificate by furnishing false information or filing false statement or documents or by any other fraudulent means shall, on conviction, be punished with a rigorous imprisonment for term which shall not be less than six months but which may extend up to two years or with fine which shall not be less than two thousand rupees, but which may extend up to twenty thousand rupees or both. Section 10 of the

Act, 2000 provides that any benefit secured on the basis of false caste certificate shall be withdrawn.

6. The law makes a person liable for criminal action who obtains false certificate by furnishing false information or filing false evidence or documents or by any other fraudulent means. The phraseology 'obtaining false certificate by furnishing false information or filing false statement or documents or by any other fraudulent means' has been interpreted by this Court to mean that in every case, wherein the Scrutiny Committee refuses to issue validation certificate, an inference need not be drawn that the candidate is guilty of obtaining a false certificate by furnishing false information or filing false statement or documents or by any other fraudulent means. In many cases, the evidence produced by the claimant may be insufficient to meet the requirement, which itself cannot be a ground to proceed against him and register an offence. The Division Bench of this Court, in the matter of **Kaisaroddin Jahiroddin Vs. Divisional Caste Verification and Scrutiny Committee and others**, reported in 2009 (1) Bom. C. R. (Cri.) 466 has observed that the Act does not explicitly mandate that in each

and every case wherein the Scrutiny Committee invalidates a caste claim, a complaint under section 11 (2) of the Act has necessarily to be filed. The Division Bench does not find any mandate under the law given to the Scrutiny Committee for filing such complaint. It is observed that in many cases the committee refuses to validate caste claim on the ground of insufficiency of the evidence relied upon by the applicants therein. If the candidate fails to satisfy the requirements set out for establishing his caste claim or fails to satisfy the scrutiny committee then in such cases, the scrutiny committee shall decide as to whether a complaint should be lodged. It shall be appropriate that in the matter where the falsity of any nature amounting to fraud is noticed by the Scrutiny Committee, the Scrutiny Committee would be bound to lodge complaint.

7. In the instant matter, we do not find that the petitioners are guilty of producing any false record or have relied upon any fraudulent document or are guilty in any manner of falsification of record or have committed fraud in securing the certificates or substantiating their claims before the Scrutiny Committee.

8. We do not find any legal basis in the order passed by the Scrutiny committee directing registration of offence against the petitioners. The directions issued by the Scrutiny Committee for proceeding against the petitioners under section 11 of the Act, 2000 is therefore set aside.

9. Rule is accordingly made partly absolute. There shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC