

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

**WRIT PETITION NO. 3066 OF 2006**

Madhukar s/o. Manikrao Kurewad .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

Mr. S.M. Vibhute, Advocate for the petitioner.

Mr. V.H. Dighe, AGP for respondent/State.

Mr. A.R. Salve, Advocate for respondent No.4.

**CORAM : A.V.NIRGUDE &  
V.L. ACHLIYA, JJ.**

**DATED : 06.04.2016**

**P.C. :-**

1. Heard. This petition challenges order of respondent No.2-Committee rejecting petitioner's claim that he belongs to Scheduled Tribe, by name, "Mannerwarlu". We perused the order of the committee and found that it is well reasoned order.

2. Learned Counsel for the petitioner submitted that some of the facts referred to in the order were not communicated to the petitioner and therefore, he was denied an opportunity of being heard. He also argued that the Committee did not give opportunity to him to deal with the Vigilance Cell Report. Learned Counsel also asserted that affinity test is also not properly considered.

3. We perused the order and found that the impugned order has been passed after due opportunity given to the petitioner which includes the personal hearing. There is no force in the statement of the learned Counsel that copy of Vigilance Cell Report was not provided to the petitioner. In the impugned order, it is specifically observed that though the Committee called say of the applicant i.e. the petitioner on the Enquiry Report, the applicant (petitioner) has not furnished his explanation. The order passed by the Committee is well reasoned and supported by the report submitted by the Vigilance Officer and due scrutiny of the documents relied upon by the petitioner as well as enquiry with the close relatives of the petitioner. In enquiry with close relatives, it was found that most of the close relatives of the petitioner have recorded their caste as "Maratha" or "Hindu". Thus, the reasons and findings recorded by the Committee cannot be said to be perverse, arbitrary and without proper appreciation of evidence on record. While dealing with the order of the Committee, this Court is not expected to sit in appeal over the decision of such Committee. There is no scope to interfere in the findings of Committee.

4. The burden of proof of caste claim is always

upon the petitioner. He has to submit documents to prove the claim before the Committee. The Caste Scrutiny Committee performs the role of verification of claim and therefore, they are expected to scrutinize the documents and other material produced before them.

5. In view of above, no case is made out to interfere with the impugned order in exercise of writ jurisdiction. We are not inclined to entertain the petition.

6. The writ petition is dismissed. However, there shall be no order as to costs.

**[V.L. ACHLIYA, J.]**

**[A.V.NIRGUDE, J.]**