

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4491 OF 2012

Dinesh s/o Dilipsing Pardeshi,
Age-26 years, Occu:Service,
R/o-J 36/6, Sant Dnyaneshwar Colony,
Mukundwadi, CIDCO, Aurangabad,
Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai,
- 2) The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad,
- 3) The Superintendent of Police,
Aurangabad Rural, Aurangabad,
Dist-Aurangabad.

...RESPONDENTS

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Mr. S.M. Vibhute Advocate for Petitioner.
Mr. S.D. Dande, A.G.P. for Respondent Nos.
1 to 3.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 6TH JANUARY, 2016

ORDER :

1. Heard learned counsel appearing for the parties.

2. The Petitioner is objecting to the order passed by the Respondent Scrutiny Committee directing invalidation of the caste certificate issued in favour of the Petitioner.

3. We have perused the order passed by the Scrutiny Committee. The Scrutiny Committee has observed that the documentary evidence produced by the Petitioner to substantiate his claim, is of the recent origin and there is no old documentary or any other evidence produced on record to substantiate the claim. The school record in respect of the Petitioner mentions the caste as "Thakur, Scheduled Tribe", however, the said entries are of the recent origin i.e. of the years 1992 to 1996. The father of the Petitioner was in

employment with the Income Tax Department and service record maintained by the Department records his caste as "Thakur" and it does not record the entry as "Thakur, Scheduled Tribe". The entry in the service record of the father of Petitioner is of no consequence, since Thakurs are found in the forward castes also. The Scrutiny Committee has also recorded a finding that the Petitioner has failed to prove his affinity with the Scheduled Tribe community and traits and characteristics of the tribal people are found absent.

4. The learned counsel appearing for the Petitioner contends that the Vigilance Cell has not conducted proper enquiry and they have not visited the place of residence of the Petitioner. We do not find any merit in the said contention. Taking into consideration all the relevant factors i.e. documentary evidence placed on record and the observations of the Scrutiny Committee and the

comments of the Research Officer in respect of the affinity test, there does not appear to be substance in the contentions of the Petitioner. Even otherwise, on consideration of the evidence placed on record, according to us, the findings recorded by the Scrutiny Committee are reasonable and proper and do not call for any interference.

5. The Writ Petition is devoid of substance. The Writ Petition stands rejected.

[A.I.S. CHEEMA, J.]

asb/JAN16

[R.M. BORDE, J.]