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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 952 OF 2012

Shri Shankar Vithal Koli ... Petitioner

Versus

The Senior Superintendent of Post Offices
and anr. ... Respondents

Mr.N.V. Bandiwadekar for the petitioner.

Mr. Jyotsana Pandit a/w Mr. Dushyant Kumar for R. No. 1.

Ms. R.M. Shinde, AGP for R. No. 2.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.
DATED : NOVEMBER 21, 2016.**

P.C.

Parties through their counsel.

2. Challenging the order dated 12.3.2010 passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune in Case No. TESC/SER/Solapur/Remand-37/2009, the original petitioner (deceased) has filed this petition under Article 226 of the Constitution of India. The case of the original petitioner is that though he had submitted original and attested copy of the school record in respect of his cousin uncle, showing therein that he belongs to Hindu Koli (Mahadeo) caste, as also attested copy of

the primary school record in respect of the cousin uncle, mentioning his caste as Hindu Mahadev Koli, these two documents have been discarded by the Committee mentioning in the order that there is discrepancy in the date of admission shown in these documents. Learned Counsel for the petitioner produced before us, the original documents indicating therein that in fact there was no discrepancy in regard to the date of admission. He submits that even otherwise, the caste was clearly shown and as such the said Committee has misdirected itself in not appreciating the said documents in its correct perspective. He further submits that the petitioner's cousin nephew was having caste validity certificate. However, the same has also been discarded by the Committee on the ground that each and every case has to be dealt separately on its own merits. Learned counsel for the petitioner has placed reliance on the judgment passed by the Division Bench of this court in the case of **Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 2010(6) Mh.L.J. 401**. He also submits that the Committee has not considered the report of the Vigilance cell in its correct perspective as the Vigilance cell has not categorically given any finding about the petitioner being not of the caste of which he was claiming. Learned counsel for the petitioner in the circumstances prayed that in view of the

aforesaid glaring irregularities having committed by the Committee, the impugned order deserves to be quashed and the matter deserves to be remanded back to the Committee for reconsideration of the petitioner's caste claim.

3. On the other hand learned AGP has supported the impugned order and has argued that the Committee has rightly considered all the relevant documents and there is no irregularity in the impugned order warranting interference with the same by this Court.

4. We have considered the rival contentions and we have also gone through the relevant documents as also the aforesaid two original documents. Having considered the submissions, we are of the view that the impugned order deserves to be set aside as we find that in the original documents there is no discrepancy in regard to the date of admission in the school and the Committee has given erroneous findings which leads to perversity. We also find that the Committee while discarding the certificate of petitioner's cousin nephew has ignored the law laid down by this Court in the case of Apurva (*supra*). In the circumstances, we quash the impugned order and remand the matter back to the

Committee for reconsideration of all the relevant documents and to pass a fresh order within three months from the date of receipt of copy of the order keeping in view the law laid down by this Court in the case of Apurva.

5. With the aforesaid directions, petition is disposed of. Authorized representative of the Petitioner to appear before the Committee on 19.12.2016 at 11.00 a.m.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)