

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

WRIT PETITION NO.1584 OF 2015.

Ku.Pallavi Ashokrao Kapate ..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.A.M.Tirukh, Adv. for the petitioner.
Mrs.H.N.Prabhu, AGP for respondent nos.1 to 3.
Mr.Bade, Advocate for respondent no.4.

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

DATED : MARCH 16, 2016.

Heard Advocate Shri Tirukh for the petitioner, learned AGP for respondent nos.1 to 3 and Advocate Bade for respondent nos.4. Nobody appears for respondent no.5.

Shri Tirukh submits that the caste claim of petitioner as belonging to Bhope NT-'B' has been invalidated by Scrutiny Committee on 18th of June, 2014 erroneously by presuming that Bhopi which is mentioned as caste of ancestors is some other distinct caste. According to him, Bhopi has appeared in old documents by mistake and because of illiteracy of concerned persons. He invites our attention to the stand taken on these lines while replying to Vigilance Cell Report before the Scrutiny Committee. He points out that this stand has not been evaluated at all. He is relying upon unreported order of this Court dated 11th

of February, 2015 in Writ Petition No.3680 of 2014 to substantiate his contention.

Learned Assistant Government Pleader points out that Vigilance Cell Report reveals that entry Bhopi was associated with word Mahanubhav and petitioner has failed to explain the same. He also attempts to distinct the order dated 11th of February, 2015 to invite our attention to the fact looked into said order.

Perusal of Vigilance Cell Report reveals that old documents of November, 1936 records caste of one Keshavrao Bhagwan Kapate as Bhopi Mahanubhav and caste of another blood relative Shri Anna Keshavrao Kapate has been recorded on 25th of September, 1968 as Bhoipi. The Vigilance Authorities have verified the same and submitted report. On the basis of this report, an opportunity was given to the petitioner. Petitioner has in his written explanation attempted to explain how word Bhopi has been erroneously used while recording caste as Bhope. We find substance in the contention of learned counsel for the petitioner that this explanation tendered by petitioner has not been looked into. However, at the same time, petitioner has failed to explain how word Mahanubhav has been associated with mention of caste way back in 1936. Before this Court, Shri Tirukh has submitted that Mahanubhav Bhopi is recorded and recognized as OBC while old entry is Bhopi Mahanubhav and therefore it

does not mean that petitioner is an OBC candidate. However, such an explanation has not been offered before the Scrutiny Committee. Scrutiny Committee being an expert body could have evaluated such an explanation.

Perusal of this Court's order dated 11th of February, 2015 (supra) reveals that there non-consideration of similar stand about Bhopi and Bhope has been evaluated by this Court in the backdrop of validities given to the blood relatives even by Scrutiny Committee. Because of those validities and this stand, the matter was sent back to the Scrutiny Committee. Here petitioner has not pointed out any validities given to the blood relative.

We therefore find nothing wrong with the order of Scrutiny Committee. No case is made out for warranting intervention in the writ jurisdiction. Petition stands disposed of. No costs.

JUDGE

JUDGE

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