

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

WRIT PETITION NO.6231/2015

Usha Mohan Mane (Sau. Usha Anil Jadhav)

...Versus...

State of Maharashtra, through its Secretary, Department of Social Justice and
Special Assistance, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.S. Parsodkar, Advocate for petitioner
Shri I.J. Damle, AGP for respondent nos.1 and 2
Shri A.M. Ghare, Advocate for respondent no.3

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : 26.09.2016

By this petition, the petitioner challenges the order of the Scrutiny Committee, dated 16.10.2015 invalidating the claim of the petitioner of belonging to 'Kaikadi' Scheduled Caste.

The petitioner was desirous of contesting the election to the Gram Panchayat on a seat earmarked for the Scheduled Castes and hence she applied to the respondent – Scrutiny Committee for verification of her caste claim. The caste claim of the petitioner was validated and a caste validity certificate was issued in favour of the petitioner. The opponent of the petitioner in the elections, i.e., respondent no.3 challenged the issuance of the validity certificate in favour of the petitioner. In the said writ petition, the validity certificate issued in favour of the petitioner

was set aside and the matter was remanded to the Scrutiny Committee for a fresh decision after conducting a vigilance enquiry. The vigilance enquiry was conducted and by the impugned order, dated 16.10.2015 the Scrutiny Committee invalidated the caste claim of the petitioner.

On hearing the learned Counsel for the parties and on a perusal of the impugned order, it appears that the Scrutiny Committee was justified in invalidating the caste claim of the petitioner. Though the petitioner claimed to be a resident of Chikhali in Buldhana District, where 'Kaikadi' caste is recognized as a Scheduled Caste, the Scrutiny Committee after conducting the vigilance enquiry came to a conclusion that the petitioner was the resident of Hingoli in Marathawada, where caste 'Kaikadi' was recognized as a Vimukta Jati. The Scrutiny Committee found that the petitioner had falsely represented before the Scrutiny Committee that the petitioner and her ancestors were permanent residents of Chikhali on the deemed date, whereas the ancestors of the petitioner were permanent residents of Hingoli on the deemed date. Since the petitioner was found to be a permanent resident of Hingoli and since 'Kaikadi' caste falls within the Vimukta Jatis in Hingoli, the Scrutiny Committee found that the claim of the petitioner of belonging to 'Kaikadi' Scheduled Caste was false and baseless. While holding so, the Scrutiny Committee found that the petitioner had tendered a false family tree before the Scrutiny Committee. It was found that the information supplied in the family tree did not match with the family of the petitioner. It was further found that though the petitioner had claimed that she was illiterate, she has signed on the nomination

form on 7.5.2012 for contesting the Gram Panchayat election. It was further found that certain portions of the caste certificate issued in favour of the petitioner were concealed by the petitioner by manipulating the documents and the caste of the petitioner was recorded as 'Wani' and not 'Kaikadi' in the caste certificate of the year 1997-98. It was observed by the Scrutiny Committee and it is informed to this Court by the learned Assistant Government Pleader that the petitioner had secured the benefits meant for the other backward classes by claiming that she belongs to 'Wani' caste, while she was taking her education in the school. The Scrutiny Committee held that the petitioner had not approached the Scrutiny Committee with clean hands and had tendered false and fabricated documents in support of her caste claim. Also, since 'Kaikadi' caste does not fall within the Scheduled Castes in Hingoli in Marathawada, where the petitioner's ancestors were permanently residing on the deemed date, the Scrutiny Committee rightly held that the claim of the petitioner of belonging to Scheduled Castes was false and baseless. After the petitioner was served with the show-cause-notice and the explanation was called, the petitioner could not satisfactorily explain about the falsity of the documents tendered by her and hence, the Scrutiny Committee held that the petitioner had manipulated the documents in support of her caste claim. The order of the Scrutiny Committee is just and proper and calls for no interference in exercise of the writ jurisdiction. The only submission made on behalf of the petitioner that the petitioner's statement was not recorded by the vigilance cell before invalidating her caste claim appears to be incorrect. We find that

the statement of the petitioner was recorded by the vigilance cell and a reference to the facts mentioned by the petitioner in her statement is made in the report of the vigilance cell.

Since the order of the Scrutiny Committee appears to be just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of original signed order.

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