

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

WRIT PETITION NO.6699/2016

Ms. Nirmala d/o Odyalu Nallawar

...Versus...

**State of Maharashtra, through its Secretary, Department of Social Justice and
Empowerment, 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 N.R. Bhishikar, Advocate for petitioner
Shri A.A. Madiwale, AGP for respondents

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 29.11.2016

By this petition, the petitioner challenges the order of the Scrutiny Committee, dated 3.11.2016 invalidating the claim of the petitioner of belonging to Padmashali Caste, that falls in the Special Backward Category.

The caste claim of the petitioner was referred to the Scrutiny Committee for verification as the petitioner had contested the election on a seat earmarked for the Special Backward Category. The Scrutiny Committee has invalidated the caste claim of the petitioner by the order dated 3.11.2016. The order of the Scrutiny Committee is impugned in the instant petition.

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 claim of the petitioner of belonging to Padmashali – Special Backward Category. The petitioner had relied on two documents at serial no.8 and serial no.3, which pertain to the entries in respect of the grandfather and the father of the petitioner. In respect of the document pertaining to the grandfather of the petitioner, the Scrutiny Committee had called for the original documents from the Panchayat Samiti, Aheri and it was found that there was no reference in the original Abhilekh - record to the grandfather of the petitioner, namely, Muttilingam. The Scrutiny Committee, therefore, rightly observed that the document was fabricated by the petitioner so as to mislead the Committee. In regard to the other document pertaining to the father of the petitioner, namely, Odyalu, the Scrutiny Committee found that the School record containing the alleged entry was torn and tattered and there was overwriting on the said document in different ink. Since there was overwriting on the original document pertaining to the father of the petitioner, the Scrutiny Committee rightly attributed the interpolation to the petitioner, as only the petitioner could have been benefited by the interpolation. Since both the documents on which the petitioner relied were found to be fabricated and since the Vigilance Cell also found that the petitioner had not tendered any cogent material to prove that she belongs to Padmashali Special Backward Category, the Scrutiny Committee rightly rejected the caste claim of the petitioner. The findings recorded by the Scrutiny Committee are just and reasonable and there is no

scope for interference with the order of the Scrutiny Committee, in exercise of the writ jurisdiction.

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

JUDGE

JUDGE

Wadkar