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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6983 OF 2017

Sou. Dhanamma Kadappa Teli Petitioner.

V/s

The State of Maharashtra and Others Respondents.

.....
Mr. Amitkumar D. Sale, Advocate for petitioner.

Ms. Kavita Solunke, AGP for respondent Nos. 1 to 4.
.....

**CORAM : B. R. GAVAI AND
M.S.KARNIK, JJ.**

DATE : 13th September, 2017.

ORDER (PER M.S. KARNIK, J.) :-

The petitioner challenges a judgment and order dated 9/11/2016 passed by the respondent No.2- Divisional Caste Certificate Scrutiny Committee No.2, Kolhapur thereby invalidating the caste claim of the petitioner. The petitioner claims to be belonging to “Teli” caste which is recognized as Other Backward Class in the State of Maharashtra. The competent authority-respondent No.4 – Sub Divisional Officer issued a caste certificate to the petitioner as belonging to “Teli” caste on 12/10/2015. The petitioner contested election of the Grampanchayat Umrani from Ward No.3

which was reserved for Backward Class citizens.

2. The petitioner's caste certificate was scrutinized by the respondent No.2- committee. The petitioner submitted school leaving certificate of her uncle, father-in-law as well as other documents in support of caste claim. The matter was referred to the Vigilance Cell when domestic inquiry was conducted and statement of respectable and responsible persons of the locality where the petitioner resides were recorded. The vigilance cell report is in favour of the petitioner. The petitioner was issued with the show cause notice dated 12/8/2016 under the Caste Certificate Rules along with the copy of the vigilance cell report.

3. Learned Counsel for the petitioner contends that pursuant to the receipt of the show cause notice dated 12/8/2016, she filed an application for grant of an adjournment to file reply. Learned Counsel contended that she was never given an opportunity to file her reply by providing any further date. The impugned order invalidating the caste claim of the petitioner was passed on 9/11/2016.

4. Learned Counsel for the petitioner contends that respondent No.2 – Committee committed an error in discarding the documentary evidence produced by the petitioner only on the ground that the same is after the deemed date i.e. 13th October, 1967. In his submission, respondent No.2 – committee has erroneously discarded the school leaving certificate of Shri Parappa Malappa Teli who is cousin uncle of the petitioner from the paternal side. In his submission the committee committed an error in discarding the genealogy filed by the petitioner only on the ground that the revenue record was not produced to prove the genealogy.

5. Learned AGP on behalf of the respondent No.2 supported the order passed by the committee. In his submission, the petitioner has failed to produce any document prior to 13th October, 1967 to establish the caste claim and therefore, no error can be found in the order passed by the scrutiny committee. Insofar as the document of Parappa Malappa Teli the committee has found that in the original records his caste is recorded as Hindu Lingayat whereas the school leaving certificate produced by the petitioner recorded the caste as Hindu Teli. As the committee has clearly found that the petitioner is guilty of tampering and manipulations of the school leaving

certificate, this is not a fit case which warrants any interference with the impugned order.

6. We have heard the learned Counsel. Admittedly no documentary evidence prior to the deemed date viz. 13th October, 1967 to establish the petitioner's caste claim has been produced. Even insofar as the school leaving certificate of Shri Parappa Malappa Teli is concerned, his caste in the school leaving certificate is recorded as Hindu Teli whereas the original register records the caste as Hindu Lingayat. Therefore obviously the school leaving certificate is tampered only with a view to get advantage of the caste claim. The committee has observed that except filing the genealogy there are no documents on record to show the petitioner's relationship with Shri Parappa Malappa Teli. Insofar as the school leaving certificate of the petitioner's father-in-law Shri Ningappa Dharyappa Teli, the same shows that the caste as Hindu Lingayat is scored off and instead Hindu Teli is written. In any case the scrutiny committee has observed that in order to prove the caste claim of the petitioner, the documentary evidence of her father-in-law cannot be taken into consideration.

7. We also find that the committee has given the reasons for discarding the report of the vigilance cell by observing that as the petitioner has failed to produce any cogent documentary evidence to establish the caste claim of the petitioner and that only on the basis of the oral statements recorded during the course of the domestic inquiry conducted by the vigilance cell it cannot be said that the petitioner belongs to the “Teli” caste.

8. In the light of the findings recorded by the scrutiny committee regarding tampered documents relied upon by the petitioner to establish her caste claim, we do not find any error in the view taken by the scrutiny committee invalidating the caste claim of the petitioner. The Scrutiny Committee on the basis of the material on records has arrived at findings of facts in respect of which we do not find any perversity, so as to warrant any interference in the exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India. The petition is accordingly dismissed with no order as to costs.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)