

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4682 OF 2018

Motiram Jyotiram Jadhav

..Petitioner.

V/s.

State of Maharashtra & Ors.

..Respondents.

Mr.Dilip B.Shinde for the Petitioner.

Mrs.M.P.Thakur, AGP for the Respondent-State.

***CORAM : R.M.SAVANT AND
NITIN W. SAMBRE, JJ.***

DATE : OCTOBER 3, 2018

P.C.:-

The writ jurisdiction of this Court is invoked against the order dated December 27, 2017 passed by the Caste Scrutiny Committed, Satara by which order the caste claim of the Petitioner as belonging to 'Lamani-Vimukta Jati' came to be rejected.

2. The Petitioner is working in the Maharashtra State Road Transport Corporation i.e. Respondent No.4 herein as a driver. Since the Petitioner was appointed in a post meant for the reserved category, the Petitioner's caste certificate issued by the

Competent Authority i.e. Sub-Divisional Officer, Karad came to be referred to the Caste Scrutiny Committee for validation. Before the Caste Scrutiny Committee, the Petitioner filed a host of documents which are listed from item No.1 to 8 in the order passed by the Caste Scrutiny Committee. Amongst the documents are the documents purported to be that of members of the Petitioner's family from the paternal side. In terms of the procedure that is prescribed, the matter was referred to the Vigilance Cell Officer for conducting home and school inquiry. The Vigilance Cell pursuant to the said home and school inquiry submitted its report which was adverse to the Petitioner. The Petitioner accordingly came to be issued a show cause notice and was asked to give his reply within a particular time frame. The Petitioner accordingly showed cause by submitting his reply. The Caste Scrutiny Committee thereafter ventured to consider the caste claim of the Petitioner as belonging to '*Lamani-Vimukt Jati*' and after taking into consideration the relevant material, has rejected the caste claim of the Petitioner as belonging to '*Lamani-Vimukt Jati*'. The Caste Scrutiny Committee, as the impugned order discloses, adverted to the documents which *inter alia* point out that the Petitioner was

not a resident of Maharashtra pre-1961 and in fact, was a resident of Bijapur, Karnataka State as per his own admission before the Vigilance Cell. The Caste Scrutiny Committee also drew the said conclusion on the basis of the documents which the Caste Scrutiny Committee has referred to in the impugned order.

3. In so far as the claim of the Petitioner is concerned, another aspect was the residence of the Petitioner's family pre-1961 in Maharashtra and since the said fact was not proved by the Petitioner, the Caste Scrutiny Committee rejected the caste claim of the Petitioner by observing that the Petitioner would have to seek the benefit either in the State of Karnataka or from the Central Government.

4. The learned counsel appearing on behalf of the Petitioner, Mr.Shinde would seek to draw our attention to the School Leaving Certificate of his father which is of the year 1990 but refers to the admission of the Petitioner's father in a school in the year 1962 in Solapur. The learned counsel contends that the said document was not before the Caste Scrutiny Committee and, therefore, the Committee could not consider the said document.

The learned counsel would, therefore, seek a remand of the matter to the Caste Scrutiny Committee for consideration of the said document.

5. *Per contra*, the learned AGP Mrs.Thakur would support the impugned order. It was submitted by Mrs.Thakur that the Petitioner having failed to substantiate his caste claim and residence of the Petitioner's family in Maharashtra pre-1961, the Petitioner is not entitled for a declaration that he belongs to '*Lamani-Vimukt Jati*'.

6. We have heard the learned counsel for the parties and we have considered the order passed by the Caste Scrutiny Committee, Satara. As indicated above, the Caste Scrutiny Committee has considered the documents which were produced by the Petitioner in support of his case and on such consideration, the Caste Scrutiny Committee came to a conclusion that the Petitioner has not been able to prove that his family was a resident of Maharashtra pre-1961.

7. Now, coming to the School Leaving Certificate of the father of the Petitioner on which the learned counsel for the

Petitioner has sought to place reliance, in our view, the said certificate would not further the case of the Petitioner. The said certificate is issued in the year 1990 and it records that the Petitioner's father was admitted to a school at Solapur in the year 1962. Hence, the fact remains that the said certificate would also not prove the case of the Petitioner that his family was residing in Maharashtra pre-1961. In any event, the admissions of the Petitioner before the Vigilance Cell Officer are eloquent of the fact that the Petitioner was a resident of Bijapur which is in the State of Karnataka.

8. We do not find any illegality or infirmity in the order passed by the Caste Scrutiny Committee. In that view of the matter, no case for interference is made out. The Writ Petition is accordingly dismissed.

(NITIN W. SAMBRE, J.)

(R.M.SAVANT, J.)