

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 154 OF 2018

Shamrao Pandurang Kalokhe. ..Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Shreesh Oak i/b S. C. Legal for the Petitioner.
Mr. V. N. Sagare, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **January 18, 2018.**

P. C. :

1. Heard learned Counsel for the Petitioner and learned AGP for the State.
2. By this petition, Petitioner is challenging the order of Respondent No.2-Divisional Caste Scrutiny Committee thereby rejecting the Petitioner's objection and validating the caste claim of Respondent No. 3.
3. Respondent No.3 claims to be of Kunabi OBC caste and accordingly obtained caste certificate which is scrutinized by Respondent No.2. Respondent No.2 has validated the said caste claim under the impugned order. In support of her claim, Respondent No. 3 relied upon as many as 22 documents. Out of these 22 documents, we are concerned with documents at serial number 3 to 7. Document

at serial number 3 and 4 are of 3rd respondent's father and grand-father. In both these documents caste of 3rd respondent's father and grand-father is shown as Hindu Maratha. So far as documents at serial Nos. 5, 6 and 7 are concerned, these are the documents of son of great-great grand-father of Respondent No.3. These documents are of the year 1907, 1914 and 1918 respectively. In all these documents caste of 3rd respondent's great-great grand-father is shown as "Kunabi". Documents at serial number 5, 6 and 7, heavily relied upon by Respondent No. 3, are verified by the vigilance cell from the original record and are found to be genuine.

4. By now, it is settled principle of law that old documents pertaining to pre-constitution period have greatest probative value. Respondent No.2- the caste scrutiny committee, therefore, rightly relied upon the document at serial number 5, 6 and 7 and validated 3rd respondent's claim that she belongs to Kunabi caste. Respondent No. 2 preferred document at serial numbers 5, 6 and 7 over documents at serial Nos. 3 and 4 because the documents at serial number 5, 6 and 7 are the older documents and, as stated above, have greatest probative value. The approach adopted by Respondent No. 2 – Committee in our view is correct. In that view of the matter, impugned order cannot be disturbed in exercise of jurisdiction of this Court under Article 226

of the Constitution of India. The petition is without any merit and the same is accordingly dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]