

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8863 OF 2018

Sharvani Prashant Pawar
Minor through father and natural
guardian Shri.Prashant Namdev Pawar
R/at 347, Rasta Peth, Pune-11

...Petitioner

V/s.

1. State of Maharashtra
Through the Secretary,
Medical Education and Trust Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate
Scrutiny Committee, Pune Division
Nandurbar through its Joint Commissioner
& Vice Chairman having its office at
Kapil Towers, C-Wing,
Near RTO Office, Pune.
3. Commissioner & Competent Authority
State CET Cell, Mumbai having its office,
at New Excelsior Build, A.K. Nayak Marg,
Fort, Mumbai-400 001.

...Respondents

Mr.R.K. Mendadkar for the Petitioner.
Mr.V.P. Mali, AGP for Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 10th AUGUST 2018

JUDGMENT : (Per Smt.Bharati H. Dangre,J)

1. Rule. Rule made returnable forthwith.

2. The petitioner, Kum.Sharvani Prashant Pawar has approached this Court, being aggrieved by the order dated 24.07.2018 passed by the Scheduled Tribe Scrutiny Committee at Pune thereby rejecting her claim as belonging to Thakar, Scheduled Tribe. The claim of the petitioner was made over to the committee by the Principal Ferguson College, Pune on 23.12.2017 for its verification. The petitioner participated in the C.E.T. conducted in the year 2018 and claimed the seat reserved for Scheduled Tribe candidate. On participation in the process she was admitted in Vishwakarma Institute of Information Technology, Pune on 20.07.2018 subject to verification of her claim. Her claim which was made over to the committee came to be rejected by an order dated 24.07.2018 which is assailed in the present petition.

3. In order to substantiate her claim, the petitioner placed reliance on several documents and also validity certificate issued in favour of her real aunt and her cousin issued by the Pune Committee in the year 2004 and 2005 respectively. The committee referred the claim of the petitioner to the Vigilance Cell and the Vigilance Cell verified the documents tendered by the petitioner and also recorded the statement of the grandfather Namdev Raghunath Pawar, aged 72 years in order to ascertain the ethnological linkages

of the petitioner to that of Thakar, Scheduled Tribe and also to obtain information about the genealogy of the petitioners family.

During the verification of claim of the petitioner, the Vigilance Cell, during the course of the inquiry recorded several entries in favour of the relatives of the petitioner and it makes a strange revelation. The school entries of the cousin grandfather of the petitioner Dnyandev Raghu Thakur whose date of entry in the school is recorded as early as on 12.08.1938, records the caste as Hindu Maratha. Similarly, in respect of the sister of the grandfather Kum.Shantabai Raghu Thakar who was admitted in the school on 28.08.1944 the caste is recorded as Hindu Maratha. The following school entries from 1938 to 1951 are consistently reflecting the caste Hindu Maratha.

Sr. No.	Name of the Student	Caste/ Sub Caste	Date of Entry in School	Relationship with the applicant
1	Dnyandev Raghu Thakur	Hindu Maratha	12.08.1938	Cousin Father
2	Kum.Shantabai Raghu Thakar	Hindu Maratha	28.08.1944	Grandfather's Sister
3	Janrdhan Maruti Thakar	Hindu Maratha	29.06.1945	Cousin Great Grandfather
4	Namdev Raghu Thakur	Hindu Maratha	07.09.1951	Grandfather
5	Namdev Raghu Thakar	Hindu Maratha	19.07.1951	Grandfather

However, from 1956 the caste entries have been

recorded as Hindu Thakur and those entries are as follows:-

Sr. No.	Name of the Student	Caste/ Sub Caste	Date of Entry in School	Relationship with the applicant
6	Kum.Suman Raghoba Pawar	Hindu Thakar	14.07.1956	Grandfather's Sister
7	Ashok Raghunath Pawar	Hindu Thakar	02.07.1962	Cousin Grandfather
8	Prashant Namdev Pawar	Hindu Thakar	23.11.1981	Father
9	Dhanajay Dnyandev Pawar	Hindu Thakar	05.08.1971	Cousin Uncle
10	Suhas Dnyandev Pawar	Hindu Thakar	12.07.1972	Cousin Uncle
11	Sanjay Dnyandev Pawar	Hindu Thakar	26.06.1969	Cousin Uncle

4. The Vigilance Cell also referred to the two birth entries, one of Maruti Raghunath Maruti Pawar cousin grandfather and Dnyandev Raghunath Pawar where the caste is recorded as Thakar. Before the Vigilance Cell Shri.Namdev Raghunath Pawar appeared in person and perusal of his statement would reveal that he do not have any information about his original place of residence, but he stated that his father Raghoba Alias Raghunath Thakar had shifted to Taluka-Dound, District-Pune and subsequently settled there. He also gave certain details about the customary ceremonies and celebrations. The caste Scrutiny Committee, based on the Police Vigilance Cell Report and the statement of Shri.Namdev Raghunath Pawar observed the pattern in recording of caste entries and noted

that from 1932 to 1944, the school entries in the school at Patas recorded the Caste as Hindu Maratha but from 1956 to 1970 the entries of Hindu Thakar were recorded. On the birth/death, entries recorded the caste as Maratha, Hindu Maratha, Thakar etc. The Committee therefore expressed its doubt and was of the opinion that the oldest entries recorded in respect of blood relatives of the petitioners are of Hindu Maratha and though the explanation offered in respect of the entries was that they have been recorded on account of the illiteracy or inadvertence, the committee did not find the said submission to be satisfactory and in our opinion rightly so.

The Vigilance Cell also noted that in respect of Shantabai Raghu Thakar, sister of the petitioners grandfather, two entries were noted to the following effect:-

Sr. No.	Registration No.	Name of the Student	Caste/ Sub Caste	Date of Entry in School	Relationship with the applicant
1	378/Old/Reg. No.1D	Shantabai Raghu Thakar	Hindu Maratha	28.08.1944	Grandfather's sister
2	245/2A	Shantabai Raghu Thakar	Hindu Thakar	01.06.1947	Grandfather's Sister

It is thus apparent that the earliest entry of Shantabai is of Hindu Maratha. But it had subsequently changed to Hindu Thakar and the reason for effecting the change was obviously clear.

5. The petitioner has placed heavy reliance on the validity certificate issued in favour of one Pramod Namdev Pawar and Shaila Namdev Pawar, they have been issued show cause notice as to why their certificates should not be cancelled. We do not find any fault with the reasoning of the Caste Scrutiny Committee. During the verification of claim of the petitioner the father of the petitioner tendered an affidavit and produced on record a genealogy of his family. Perusal of the same would reveal that it is only part of the genealogy tree spreading from Namdev Raghunath Pawar (Thakar). It is shown that said Shri.Namdev is having three children Prashant, Shaila, Pramod. Shravani is daughter of Prashant. Reliance is placed on validity certificate issued in favour of Prashant Shaila Anut, Pramod is real uncle. Some genealogy is placed through affidavits of Shaila Namdev Pawar tendered before the committee on 20.09.2017.

We repeatedly inquired from the AGP where the said genealogy was complete, since only one branch shown, when we called from the original record and perused the statement of one Shri.Namdev Raghoba Pawar recorded during the Vigilance inquiry, which was found to be accompanied with a genealogy signed by Namdev himself. Apart from Namdev Raghoba, who is grandfather of the petitioner, is shown to have four children namely Dnayndev,

Ashok, Shantabai Gaikwad and Suman Raghunath, fifth son is Namdev whose genealogy is placed on record. The Scrutiny Committee through this Vigilance Cell has brought on record the entry in respect of Dnayanand Raghunath Thakar cousin grandfather and the date of his admission in the school is recorded as 12.08.1938 and the caste is recorded as "Hindu Maratha" another entry in respect of Kum.Shantabai recorded on 28.08.1944 also records the caste as Hindu Maratha. As far as Namdev himself is concerned who is grandfather of the petitioner, two entries in respect of Namdev, one recorded in 1951 and another recorded on 7.09.1955 recorded his caste as Hindu Maratha. The said Shri.Namdev and Shantabai are close blood relative of the petitioner and in other school entries the caste is recorded as Hindu Maratha. Apart from the entry of the same caste recorded in respect of the petitioner real grandfather Namdev.

The petitioner has therefore, concealed the aforesaid information and in light of the oldest entries in favour of the blood relatives of the petitioner being recorded as Hindu Maratha, in our opinion the petitioner cannot be granted the benefit of the validity certificate issued in favour of Prashant Namdev Pawar and Shaila Namdev Pawar granted by the Pune Committee in the year 2004-2005 respectively. Perusal of the order of the Committee would

reveal that show cause notice has already been issued to the said validity holders and committee intends to re-enquire into validation of the caste claim as belonging to Thakar, Scheduled Tribe. We therefore, refrain ourselves from conferring the benefit of Scheduled Tribe on the petitioner.

6. For the reasons recorded above, we do not find any legal infirmity, much less serious or perversity in the order of the Scrutiny Committee, which is impugned in this petition. There is no merit in the writ petition and it is dismissed. It is only because the petition is filed by a young girl, who is minor, through her father that we are not imposing costs. It is her father's conduct, which has visited her with these consequences. We do not wish that she continues to have that stamp or face that insult and ignominy of falsehood which is committed by her father and grandfather. The writ petition is, therefore, dismissed.

(SMT. BHARATI H. DANGRE, J.) (S.C.DHARMADHIKARI, J.)

Nilam
Santosh
Kamble

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