

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1425 OF 2018

Baswant Ningappa Sandimani.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Milind A. Ingole for the Petitioner.

Mr. S. B. Kalel, AGP for the Respondent-State.

Coram : Ranjit More &

Smt. S. S. Jadhav, JJ.

Date : **April 6, 2018.**

P. C. :

1. Heard learned Counsel appearing for the respective parties.

2. The Petitioner claims to be belonging to scheduled caste – Machigar and accordingly obtained a caste certificate dated 12th November 2012 from the office of Additional District Deputy Collector, Mumbai Suburban District, Bandra. This caste certificate was sent for scrutiny to Respondent No.3 – Caste Scrutiny Committee. Respondent No.3 after hearing the Petitioner refused to validate the caste certificate and passed the order dated 31st January 2017, which is impugned in this petition. Thereafter the Petitioner approached this Court by filing present petition on 13th October 2017, i.e., after the expiry of period of nine months. We have perused the writ petition. There is absolutely no explanation for the delay.

3. Despite above, we have heard learned Counsel for the Petitioner and learned AGP on merits. We have also perused the impugned order. Respondent No. 3-Scrutiny Committee invalidated the caste claim of the Petitioner on the ground that the Petitioner was not the ordinary resident of State of Maharashtra prior to the cut-off date, namely, prior to 10th August 1960. Learned Counsel appearing for the respective parties are not at dispute that in the absence of any material to show that the Petitioner is ordinary resident in the State of Maharashtra before the said cut-off date, the Petitioner is not entitled to claim caste benefits. The Petitioner, however, heavily relied upon the document at page 18. Admittedly, the said document was also pressed into service before the Scrutiny Committee. This document as claimed by the Petitioner pertains to service record of Petitioner's father. On the basis of this document, Petitioner tried to assert that the Petitioner's father was serving in Kohinoor Mills Company Limited, Dadar, Bombay at least prior to 21st April 1949. We have perused the said document. This document pertains to one Lingappa Mallappa Machagar. The name of the Petitioner's father, as given in the petition, is Ningappa Ninajappa Sandimani. Lingappa and Ningappa cannot be said to be the same person. That apart, the surname of the Petitioner's father in the present petition and the surname mentioned

in the service record of said Lingappa are different. In the circumstances, we are not inclined to consider this document. Respondent No. 3 – the Caste Scrutiny Committee has also refused to consider this document on the similar grounds.

4. Apart from this document, the Petitioner could not show / produce any other document in support of his claim that his father has migrated to the State of Maharashtra prior to the cut-off date, i.e., prior to 10th August 1950.

5. In the light of these facts, we do not find any fault with the impugned order and do not see any reason to interfere with the same. Writ petition is, therefore, dismissed.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]