

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

WRIT PETITION NO. 6636 OF 2017

Swapna Mahadev Kore & Ors. .. Petitioners
Vs.
State of Maharashtra & Ors. .. Respondents

Mr.P.G. Sarda for petitioner.

Mr.A.P. Vanarse, AGP for respondent Nos.1 to 5-State.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 27TH JUNE 2019

P.C.

1 The petitioners are objecting to the order passed by the Scrutiny Committee invaliding the claim of the petitioners of belonging to Koshti caste (SBC-3) which is included in the Special Backward Category.

2 In order to substantiate their claims, the petitioners have relied upon their own school record as well as the School Leaving Certificates issued in favour of the father and grandfather of the petitioners. In the school record of the petitioner Nos.1 to 3, in the caste column, entry is recorded as 'Hindu-Lingayat-SBC', whereas in the original school record regarding the father and grand father of the petitioners, entry in respect of father's caste is found to have been recorded as 'Lingayat' and not 'Koshti'.

3 The concerned Officer has visited the school and scrutinized the

original record pertaining to the father and grand father of the petitioners. It is noticed that in the original record, the entry in respect of caste of the petitioners' father and grand father is shown as 'Hindu-Lingayat' and not 'Hindu-Koshti', as claimed by them.

4 In view of the contra material placed on record, we are of the view that the Scrutiny Committee has recorded a correct finding while directing invalidation of the caste certificate of the petitioners. No interference is warranted in the order passed by the Scrutiny Committee since the order is passed on the basis of the documentary evidence placed before the Committee. In view of the foregoing discussion, since the petition is devoid of any substance, it stands rejected.

5 The counsel appearing for the petitioners makes a request for continuation of the interim relief granted earlier. However, considering the mandate of the Apex Court in the matter of ***Chairman and Managing and Managing Director FCI & Ors. Vs. Jagdish Balaram Bahira & Ors.***¹, the order granting interim relief during the continuance of the petition, deserves to be vacated and same is vacated accordingly.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]

1 (2017) 8 SCC 670