

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7646 OF 2018

Sou. Surekha Mahesh Chavan

...Petitioner

V/s.

Dist. Caste Scrutiny Committee,
Kolhapur and Ors.

....Respondents

Mr. A.V. Anturkar, Senior Advocate a/w. Mr. Tanaji
Mhatugade, for the petitioner.

Mrs. M.S. Srivastav, AGP for respondents no.1 and 2.

Mr. R.K. Mendadkar, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 1st October, 2019.

P.C. :

1. Heard for sometime.

2. On last occasion, after hearing the

parties matter was adjourned to enable the petitioner to show to this Court, notice issued in Form No.25 as per Rule 17(11) of 2012 Rules. Accordingly, with affidavit those documents are produced.

3. The Committee has in the impugned order found that revenue entries produced by petitioner do not contain mention of caste. It is further concluded that petitioner has not shown domicile of her family in Maharashtra on 13th October, 1967 or has not substantiated caste claim.

4. The revenue record of Aamruta Sitaram Mane clearly uses the word "Nhavi". As per family tree, this Aamrutha is real brother of grandfather Laxman of petitioner.

5. The petitioner has also invited our attention to the observations contained in para-8 of the impugned order where evidence/material has been perused. In that para, Committee has

mentioned, as per Family Tree submitted by petitioner and documents at serial no.11 to 13, revenue records containing name of great grandfather, grandfather, cousin grandfather for Village-Mangalvedha, District-Solapur were available. However, those revenue records did not mention caste. It is further observed that in Affidavits or other documents and pleadings of petitioner, her association with Mangalvedha has not been established and hence these documents have been disbelieved.

6. We have mentioned (supra), the document of cousin grandfather, Amruta where word "Nhavi" appears. Not only this, in School Leaving Certificate of Sumitra, who is cousin of petitioner, it is mentioned that she is born on 15th June, 1960 and her religion has been recorded as "Hindu". Caste has been recorded as "Maratha" and sub-caste has been recorded as "Nhavi". This document shows that Sumitra took education in School at Village-Rangoli in Taluka-Hatkanangale,

from 29th June, 1966 till 28th July, 1975. Thus, before the relevant date i.e. 13th October, 1967 Sumitra who is cousin of petitioner appears to have been born and taking education at Village-Rangoli.

7. The petitioner has relied upon some document which bring on record, the residences of other family members either at Shirolī or Rangoli in Maharashtra State.

8. No documents showing birth or education of father Vasant or that of grandfather, Laxman are produced on record by her. However, Sumitra is a lineal descendant of Laxman through Gunwant. Thus, Gunwant is real brother of Vasant.

9. The Committee has disbelieved Certificate of Sumitra on the ground that it uses the word "Maratha" also to denote caste. We find that Committee has ignored mention of word "Nhaavi" in document of Amruta mentioned (supra).

10. The Committee therefore has not acted fairly. The word "Nhaavi" was written long back and if Committee had no other material with it, it could have accepted that entry. Similarly, it is not the case of Committee that amongst Maratha, there is a sub-caste by name "Nhaavi". As such, we find some reasons recorded by Committee unsustainable.

11. The petitioner was given a show cause notice in Form No.25 and her attention was invited to the fact that School Leaving Certificate issued by a College at Bedkihaal, District-Belgaum recorded her date of birth to be 22nd July, 1978 and admission in School on 6th June, 1989. In this document, caste has been recorded as Hindu-Maratha.

12. In this situation, we are inclined to give petitioner one more opportunity to substantiate her caste claim. The petitioner shall produce document pertaining to her father and grandfather for verification by Committee. Only to facilitate this exercise, we quash and set aside the impugned order

dated 29th June, 2018 and restore the matter back to file of respondent no.1-Committee.

13. We direct petitioner to appear before the said Committee on 2nd December, 2019. On that day, petitioner shall produce documents as mentioned (supra). The Committee shall, if it finds necessary, arrange for verification of those documents through Vigilance Cell.

14. The Committee shall attempt to complete the evidence afresh in accordance with law within next three months. With these directions, we partly allow the petition and dispose it off. No costs.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)