

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.567 of 2019

Vitthal Ganapat GhawatePetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Ramchandra K. Mendadkar along with Mr. Chintamani K. Bhangoji,
advocates for the petitioner.
Ms. K. P. Kulkarni, AGP for the State.
Mr. P. K. Dhakephalkar, senior advocate along with Mr. Sandeep Phatak
and Mr. Sachin Thorat, advocates for the respondent Nos.5 and 6.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 28th JANUARY, 2019.

P. C. :

Heard Mr. Mendadkar, learned counsel for the petitioner, Mr.
Dhakephalkar, learned senior counsel for the respondent Nos.5 and 6
and Ms. Kulkarni, learned AGP for the State.

2. The petitioner has approached this Court under Article 226 of the Constitution of India challenging the order dated 31st December, 2018, of the respondent No.2-Caste Scrutiny Committee, whereby his claim that he belongs to Kunbi Caste is rejected. The petitioner, in order, to claim that he belongs to Kunbi Caste relied upon as many as 24 documents. However, only 3 documents are relevant and those are mentioned at serial Nos.10,11 and 12 in the order of the Caste Scrutiny Committee.

3. The document at serial No.10 is an extract of Birth and Death Register of the year 1926 issued by the Tahsildar - Shirur in respect of Village – Shirur. This extract shows that a son by name Aba is born to Ganpati Bapu Ghavate. The document at serial No.11 is also an extract of Birth and Death Register of the year 1918 issued by the Tahsildar - Shirur pertaining to Village- Shirur, which shows that one Jani Kom Bapu Ghawate died on 5th November, 1918. The document at serial No.12 is an extract of Birth and Death Register of the year 1916 issued by Tahsildar-Shirur pertaining to Village – Shirur. This extract shows that one Sundari Kom Nana Ghawate died on 12th October, 1916. The Caste Scrutiny Committee refused to consider all these 3 documents on the ground that the petitioner has not shown blood relation between himself and these three persons. The finding of the Caste Scrutiny Committee is based upon the genealogy which the petitioner himself has produced before the Sub-Divisional Officer, Pune, along with affidavit, a copy of which is annexed at Exhibit-C, page 25. We have minutely perused the affidavit of the petitioner. The genealogy does not make reference of Aba, Jani or Sundari and, therefore, in our considered opinion, the Caste Scrutiny Committee was justified in ignoring the said documents.

4. Mr. Mendadkar, learned counsel for the petitioner, relied upon the genealogy at Exhibit -H, page 149 which was subsequently

submitted before the Caste Scrutiny Committee on 17th October, 2018 and contended that all the three persons referred above are from the genealogy of the petitioner. In our opinion, the second genealogy was rightly not accepted by the caste scrutiny committee as the same was submitted along with written submission and not on affidavit and, therefore, there was no occasion for the vigilance cell to verify the petitioner's claim in that regard.

5. Mr. Mendadkar, learned counsel also relied upon the affidavit of one Gangadhar Dhondibhau Ghawate, made before the Caste Scrutiny Committee. We have gone through the same and we are of the opinion that the same does not take petitioner's case any forward. Mr. Mendadkar also relied upon some documents annexed to the additional affidavit dated 28th January, 2019, to show that the petitioner and his predecessor-in-title are shown as agriculturalist. In our opinion, merely because the petitioner and his predecessor-in-title are agriculturalist that cannot give rise to the inference that the petitioner belongs to Kunbi Caste. What is important to note is that the birth extract of the petitioner, his father and his grandfather shows that they belong to the Maratha Caste. Apart from this, reference must also be made to the statement of the petitioner recorded by the vigilance cell on 14th August, 2018. We have gone through the same. A statement is

categorically recorded that the petitioner's great grandfather had 2 male children and 1 female child by name Shankar, Jaywant and Hausabai. In this statement, the petitioner has neither made any mention about Aba being the son of his great grandfather nor has he made any mention of Jani Kom Bapu Ghawate and Sundari Kom Nana Ghawate.

6. Taking totality of the facts and circumstances into consideration, we find that the Caste Scrutiny Committee has arrived at correct decision after appreciating the documents on record. We are, therefore, not inclined to entertain this petition in exercise of jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The petition is devoid of any merits and is, accordingly, dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]