

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6840 OF 2017

Sachin Dattatray Yadav.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Vaibhav V Ugle for the Petitioner

Mr. A. A. Alaspurkar, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **July 4, 2019.**

P. C. :

1. The Petitioner, who is working as an Assistant Police Inspector, has approached this court being aggrieved by the order dated 23rd January 2016 passed by the Caste Scrutiny Committee at Solapur thereby rejecting his claim as belonging to caste Kunbi.
2. We have perused the impugned order passed by the committee. The Petitioner has placed reliance on 10 documents before the Committee to establish his claim of belonging to Kunbi caste. Out of the said 10 documents, it is his own document in relation to the admission to Zilla Parishad Primary School, Karmala, Taluka Karmala, District Solapur in which the caste is recorded as Hindu – Maratha. Further, document at serial no. 3

produced by the Petitioner is primary school entry of the father of the Petitioner where the date of entry in the school is disclosed as 3rd August 1949. The said document also record the caste of the father of the Petitioner as Maratha. Apart from this, another document of the Petitioner's cousin Sandip Dattatraya Yadav, which records the entry in the primary school Solapur on 13th June 1989 also records his caste as Maratha.

3. The Petitioner has placed reliance on 3 documents, at serial number 5, 6 and 7 where the caste is recorded as Kunbi and the learned counsel for the Petitioner would urge that since these documents are of pre-constitution period, they should be looked by considering its probative value.

4. Document at serial no.5 is an entry / extract of the Death & Birth Register issued by Tahsildar, Karmala in respect of one Parbati Ba Aaba Yadav and it record a male child being born to him on 15th March 1916. Another document, also issued by Tahsildar Karmala in respect of Aaba Ba Rama Yadav and it records the death occurring on 28th March 1915 wherein the caste is recorded as Kunbi. Document at serial no.7 on which reliance was placed, is issued by Tahsildar Karmala in respect of one Vishwnath Nana Sidhu Yadav dated 6th June 1915, which is entry

in the Birth & Death Register maintained by Tahsildar Karmala.

5. The committee has referred to all these 3 documents and has recorded a finding that these documents were enquired into through vigilance cell, and it is noted by the committee that there is change in the ink as well as in the hand-writing in respect of the said entries on which the Petitioner seeks to place reliance. Resultantly, the committee did not rely on these documents on the basis of finding recorded by the vigilance cell.

. We have perused the said documents which have been placed on record along with the petition. Document at serial nos.5 and 6 clearly reflect that the entries have been recorded in different ink and also the hand-writing is different from the remaining entries. The observation of the committee appears to be correct, as both these documents do reflect that there is over-writing, interpolation, and change of ink, and therefore reliance on these entries create doubt and the committee has rightly rejected the said documents as being not trustworthy.

6. Another document at serial no.7 is a document in respect of one Vishwanath Nana Yadav recording the death which occurred on 6th June 1915, but the said person does not find mention in the genealogical tree provided by the Petitioner

before the committee in the form of an affidavit. In such circumstances, we do not find any error in the findings recorded by the committee that documents of the Petitioner, his father and cousin have recorded the caste as Hindu Maratha and the documents which are sought to be relied upon do not conclusively establish the claim of the Petitioner belonging to kunbi caste, but creates doubt about its authenticity.

7. Since it is a settled proposition of law that the school register of pre-constitutional period have greater probative value in order to declare caste of a person, the school entries of the Petitioner and his father record the caste as Maratha, which lead to a inference that the Petitioner belongs to caste Maratha.

. In such circumstances, we do not find any illegality or perversity in the said order passed by the committee. Resultantly, we uphold the said order and dismiss the writ petition. The writ petition is dismissed with no order as to costs.

. Needles to state that in the light of dismissal of writ petition, interim order stands vacated.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]