

Sequeira

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

WRIT PETITION NO. 9416 OF 2014.

Sou Madhuri Nitin Lodhi (Madhuri
Mohansing Thakur)

.. Petitioner

Vs

The State of Maharashtra and others

.. Respondents

Mr.Arun H.Palekar, for the Petitioner.

Mr.M.M.Pabale – Addl. Government Pleader, for Respondent Nos.1
and 5.

Mr.S.J.Rairkar, for Respondent Nos.2 and 3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 18 June, 2019.

P.C. :

1. The Petitioner, who is working as a Shikshan Sevika, is aggrieved by the order passed by the Caste Scrutiny Committee dated 1 July 2014 invalidating her Caste Certificate.

2. The Deputy Collector, Pune issued a Caste Certificate to the Petitioner on 12 May 2008 that the Petitioner belongs to the Thakur, a Scheduled Tribe notified at Serial No.44 under the Constitution (Scheduled Tribes) Order, 1950. The Caste Certificate of the Petitioner was submitted for verification to the Caste Scrutiny Committee, Nasik. The Scrutiny Committee invalidated Caste Certificate by order dated 20 October 2011. Thereafter the Petitioner filed a Writ Petition No.2875 of 2012. By order dated 23 April 2012, the Division Bench remanded the proceedings to the Scrutiny Committee. The Vigilance Cell attached to the Scrutiny Committee conducted an enquiry and submitted report along with documents on 19 July 2012. The Petitioner submitted reply on 22 November 2013. The Committee gave hearing to the Petitioner, on 26 June 2014 and by the impugned order dated 1 July 2014 invalidated the Caste Certificate.

3. There are two communities known as Thakur, one of it is recognised as a Scheduled Tribe. A person belongs to Thakur, Scheduled Tribe, then he is eligible for the benefits of the reservation

policy. A mere entry of 'Thakur' in the records of the candidate therefore is not determinative of caste status. The Scrutiny Committee had to decide whether Petitioner belonged to Thakur, a Scheduled Tribe, or Thakur, non-scheduled tribe. The Scrutiny Committee therefore had to consider the evidence placed before it holistically. The Petitioner's own School records has an entry of 'Rajput'. Her sister and two brothers records also show the entry as 'Rajput'. The Petitioner's uncle and grandfather and his cousin, have entries as Rajput / Lodhi. It is not the case of the Petitioner that Rajput / Lodhi are synonyms of Thakur - Scheduled Tribe.

4. As per the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, the burden is on the claimant to adduce cogent evidence in support of the caste claim. The Petitioner had to explain the entries of Rajput and Lodhi in the record of herself and most of her relatives. From these documents, the Scrutiny

Committee found that the entry Thakur in the School records of the Petitioner's Aunt was not relatable to Thakur - Scheduled Tribe. The learned counsel for the Petitioner urged that the service record of the Petitioner's father ought to have been considered. However, that will not absolve to Petitioner to explain the entries of Rajput Lodhi of her brother, sister and herself in the School records. The Committee has assessed the totality of the evidence and has drawn a conclusion that Petitioner does not belong to the Thakur tribe. Since the Petitioner had failed to produce cogent evidence and also in the affirmity test, we do not find anything perverse in the order passed by the Scrutiny Committee. Writ Petition stands rejected.

N.M.JAMDAR, J.

CHIEF JUSTICE