

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

WRIT PETITION NO. 10454 OF 2013

Jagdish Revansiddh Patil

... Petitioner.

V/s.

The Collector Solapur at Solapur & Ors. ... Respondents.

Mr. A. B. Tajane, Advocate for the Petitioner.

Mr. A.I.Patel, Addl. GP for the State-Respondent Nos.1 to 3.

Mr. S. G. Kudle, Advocate for Respondent No. 4.

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

DATE : JUNE 20, 2019.

PC :

1 The Petitioner is objecting to the caste validity certificate issued in favour of Respondent No.4, certifying that the Respondent No.4 belongs to "Kasar" caste, which is included in the Other Backward Classes category. The Petitioner had contested elections for the post of Councilor of the Municipal Corporation, Solapur in the year 2011 and Respondent No. 4 was the candidate set up against him. It is disclosed that the Petitioner also was claiming to be belonging to OBC category; however, the caste certificate issued to him has been invalidated by the Scrutiny Committee, on consideration of objection raised by Respondent No. 4 and, therefore, the Petitioner has reason to raise objection to the caste certificate issued to the Respondent No.4. Even otherwise, on consideration of the

report of the Vigilance Cell tendered to the Scrutiny Committee, we have absolutely no doubt as regards correctness of the decision of the caste scrutiny committee, holding the caste certificate issued to Respondent No.4 to be valid. There is sufficient documentary evidence scanned by the Vigilance Cell, which material was also placed before the Scrutiny Committee. The documentary evidence collected by the Vigilance Cell supports the claim of Respondent No. 4. There are old documents of the year 1936 in the form of certificate issued to the blood relations of the Respondent No. 4, certifying that they belong to "Kasar" caste.

2 We have also perused the affidavit-in-reply tendered by the Respondent Nos.2 and 3; wherein it has been categorically recorded that the Scrutiny Committee, while taking decision, has considered the Vigilance Cell report tendered to the Committee. Though reliance has been placed on the Rules 2012, i.e. the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificates Rules, 2012, to contend that it was obligatory on the part of the Scrutiny Committee to pass a reasoned order, it must be recorded that the said contention deserves to be rejected for the simple reason that the said Rules have been enforced since 31st August, 2012; whereas the validity certificate in

favour of the Respondent has been issued in January, 2012. Even otherwise considering the merits of the contentions, we are satisfied that the Caste Scrutiny Committee has not committed any error in issuance of validation certificate to Respondent No.4. The writ petition is out-come of clash of political ideology in between the Petitioner and Respondents.

3 In the circumstances, no interference is called for in the matter. Writ Petition is rejected.

(N.J. JAMADAR, J.)

(R.M. BORDE, J.)

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