

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 513 OF 2020

Pramila Sitaram Parange. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Sagar Talekar for the Petitioner.
Mr.Vikas Mali, AGP for the State.

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CORAM : **NITIN JAMDAR AND
M.S. KARNIK, JJ.**

DATE : **24 January 2020.**

P.C. :

By this petition, the Petitioner has challenged the order dated 18 December 2019 passed by the Scheduled Tribe Caste Scrutiny Committee invalidating the caste certificate of the Petitioner dated 27 January 2000.

2. The Petitioner had applied for caste certificate to the Sub-Divisional Officer, Mangaon, District- Raigad. The Petitioner claims to belong to Mahadeo Koli- Shceduled Tribe. A caste certificate was accordingly issued by the Sub-Divisional Officer. Since the Petitioner was working in the establishment of Sub-

Registrar, Karjat, his caste certificate was sent to the Scrutiny Committee. Vigilance cell inquiry was conducted and the report was submitted. The Petitioner gave his reply to the report of the Vigilance Cell. The Scrutiny Committee considering the report of Vigilance Cell, the explanation and documents submitted by the Petitioner and after hearing the Petitioner along with his Advocate, passed the impugned order.

3. Burden is placed on the applicant to support the caste claim. It is well settled by series of judgments of this Court as well as of the Supreme Court that for the assessment of the claims of belonging to a Scheduled Tribe, the documents of Pre-Constitution period have higher probative value. The documents such as entries in the school register in respect of Petitioner's relatives have been dealt with in the Vigilance Cell report and the order of the Scrutiny Committee. The entries in respect of Petitioner's relatives such as father, aunt, uncle and cousin show different communities. In case of the father of the Petitioner the caste is mentioned as Hindu Son-koli which is of the date 1 June 1948. There are other entries of Hindu Koli then Hindu Dongar Koli. Some entries post 1971 are of Hindu Mahadev Koli. The learned AGP has rightly pointed out that Hindu Son-koli and Hindu Koli are considered as Special Backward Class. Therefore, not only there are no entries of the Pre-Constitution period that the Petitioner's family belong to Hindu Mahadev Koli, but there are differing entries of different communities in respect of the Petitioner's relatives.

4. In these circumstances, the conclusion of the Scrutiny Committee cannot be considered as perverse. No interference is, therefore, warranted in writ jurisdiction. Writ petition is accordingly rejected.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)