

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

WRIT PETITION NO.1708 OF 2019

Rajkumar Dattatraya Reddy

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. A. S. Rao a/w Mr. Rushikesh S. Kale for the Petitioner.

Ms. K. N. Solunke, AGP for the Respondent/State.

Mr. Vishwanath P i/b Mr. Kewal Ahya for Respondent No.3.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 3/2/2020.

PC.:

. Order of Scrutiny Committee on 12/10/2018 validating caste claim of respondent No.3 as “Sutar-OBC “ has been questioned by the petitioner.

2. Petitioner contested election against him and lost.

3. It is not in dispute that in impugned order instead of word “Sutar” word “Wani” has been mentioned and this Court on 21/8/2019 noticed it and made a question.

3. Accordingly, this Scrutiny Committee has explained that the word “Wani” in the impugned order has been inadvertently employed and it needs to be substituted by word “Sutar”.

4. Learned advocate appearing for the petitioner states that

respondent No.3 has based his claim only on two documents. The document in relation to his brother Meherbaksh Chandso Sheikh is found to be fabricated. The other document is alleged to be entry in Register of Births and Deaths which records birth on 20/5/1920. This entry is in *modi* language and though committee has directed its verification, its verification from an independent agency has not been done. Therefore he states that there are no documents to substantiate caste claim of respondent No.3.

5. Learned counsel appearing of respondent No.3 and learned AGP appearing for respondent Nos.1 and 2 are opposing the petition. They submit that the Vigilance Cell has looked into the documents. The document which records caste as “Muselman” and shows that the petitioner has taken education in Zilla Parishad Primary School, Valsang is found to be genuine. Document of his brother allegedly issued by same school which shows education in that school from 15/9/1945 till 1/6/1951 and records caste as “Sutar Muselman” is found to be fabricated. However, old document of birth entry which mentions word “Sutar” below name of father of child born with caste is found to be genuine. He states that this document is maintained in modi language and the same was verified from one Madolappa Chanappa Hebale who also gave its translation. Vigilance Cell has verified it.

6. We find that the President of Caste Verification Committee has on this document put a remark that this document be sent to Handwriting Expert. Need for this exercise has not been substantiated.

7. The petitioner who has approached this Court questioning validity has not pointed out any other translation of *modi* document.

8. In this situation, we note that respondent No.3 Committee has

perused old document which mentions caste as “Muselman” and document of 1920 which is in *modi* language mentions word “Sutar” below name of father of child born in the family with caste as “Muselman”

9. Vigilance Cell conducted home inquiry and satisfied itself that traditionally family of the petitioner is in the business of carpentry.

10. In this situation, we do not find anything wrong in the application of mind by the Authority. There is no jurisdictional error or perversity. The petition is dismissed.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)