

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1922 OF 2018

Shri. Ilai Dadubhai Desai

...Petitioner

Versus

Ld. District Caste Certificate Scrutiny
Committee at Kolhapur And Anr

. ...Respondents

....

Mr. Manoj A. Patil, Advocate for the Petitioner.

Mr. A.P. Vanarase, AGP, for Respondent No.1 – State.

Mr. Vikrant M. Makhare, Advocate for Respondent No.2.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 30th JANUARY, 2020

ORDER:

1. By way of this Petition, the Petitioner has challenged the order dated 22.8.2017 passed by the District Caste Certificate Scrutiny Committee, Kolhapur (hereinafter referred to as the 'Committee'), whereby the caste certificate of Respondent No.2 is validated showing his caste as 'Gurav'.

2. The Petitioner and Respondent No.2 contested the election of Panchayat Samiti from Latawade Constituency No.25 in Hatkanangale Taluka, District-Kolhapur. Respondent No.2 was elected in that election. Respondent No.2 claimed that he

belonged to O.B.C. Category and had claimed his caste as 'Gurav'. The Sub-Divisional Officer, Ichalkaranji had issued the caste certificate dated 11.5.2004. The Committee has validated this caste certificate.

3. Respondent No.2 had submitted the proposal for validity of the caste certificate and the Tahsildar, Hatkanangale had forwarded the proposal for validity to the Committee. The petitioner objected to grant of caste validity certificate. The vigilance report was called. Accordingly, the Vigilance Cell report dated 11.8.2017 was submitted to the Committee. The Vigilance Cell Report and the documents produced by Respondent No.2 were considered and after hearing the Petitioner as well as Respondent No.2, the Committee passed the impugned order.

4. The impugned order shows that the Committee had considered Respondent No.2's own School Leaving Certificate, his sister Shobhatai's School Leaving Certificate, Respondent No.2's paternal aunt Sonubai Gurav's School Leaving Certificate & birth certificate and the caste validity certificate of Respondent No.2's nephew Suhas Pandit Gurav. Out of these, Respondent No.2's

School Leaving Certificate and his aunt Sonubai's birth certificate were not accepted as evidence.

5. We have heard Shri Manoj A. Patil, learned Counsel for the Petitioner, Shri A.P. Vanarase, learned A.G.P. for Respondent No.1 – State and Shri Vikrant M. Makhare, learned Counsel for Respondent No.2.

6. Learned Counsel for the Petitioner submitted that the Committee erred in validating the caste certificate of Respondent No.2. He submitted that Respondent No.2's own School Leaving Certificate mentions his caste as 'Hindu (Maratha) Gurav'. Even Respondent No.2's sister Shobhatai's and Sindhutai's School Leaving Certificates show their caste as 'Hindu (Maratha) Gurav', and, therefore, Respondent No.2's caste is 'Hindu (Maratha) Gurav' and not 'Gurav'. He submitted that the Committee erred on facts in observing that Shobhatai's School Leaving Certificate showed her caste as 'Gurav' when infact the said certificate shows her caste as 'Hindu (Maratha) Gurav'. He submitted that after receipt of the Vigilance Report, show-cause notice was issued to Respondent No.2 which shows that the Vigilance Report was not in favour of

Respondent No.2.

7. On the other hand, learned Counsel for Respondent No.2 supported the reasoning given by the Committee in validating the caste certificate of Respondent No.2.

8. We have considered all these submissions and we have perused the documents as well as the impugned order annexed to this Petition.

9. The vigilance report shows that the enquiry conducted in Respondent No.2's native village revealed that the villagers were knowing Respondent No.2 and his family. Their ancestral occupation was performing Pooja etc. The Vigilance report shows that the witnesses mentioned that Respondent No.2's caste was 'Gurav'. The vigilance report also mentioned that the birth register extract in respect of Sonubai was old and torn and could not be verified. This Sonubai was daughter of Dadu Krushna Gurav and sister of Respondent No.2's father Vishwanath Dadu Gurav.

10. Learned Counsel for the Petitioner was right in pointing out that in the impugned order, the Committee committed error in respect of the School Leaving Certificate of Respondent No.2's

sister Shobhatai. Said certificate does show her caste as 'Hindu (Maratha) Gurav', but, the Committee has observed that it mentions Shobhatai's caste as 'Gurav Hindu'. However, even if this document is excluded from consideration, the other documents, namely, the Caste validity certificate of Respondent No.2's nephew i.e. brother Pandit Gurav's son Suhas Gurav shows that Suhas's claim of being of 'Gurav' caste was validated. Similarly, Respondent No.2's aunt Sonubai's school leaving certificate also shows her caste as 'Gurav (Hindu)'. These two documents along with the Vigilance Cell's report in respect of enquiry conducted with the villagers sufficiently established that Respondent No.2 belongs to caste 'Gurav' as claimed by him.

11. Therefore, we do not find that the Committee has committed any error in arriving at their conclusion. Consequently, there is no merit in this Petition and is accordingly dismissed.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)