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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2435 OF 2019**

Satyawan Arvind Chavan ..Petitioner
vs.
State of Maharashtra & ors. ..Respondents

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Mr. R.K. Mendadkar for petitioner.
Mr. S.S. Panchpor, AGP for respondent Nos. 1 to 3.

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

DATE : 20 JANUARY 2020

P.C.:-

Heard learned counsel for the parties.

2. The Petitioner has challenged the order passed by the Respondent No.2 – Committee dated 20 December 2018 invalidating the Caste Certificate issued to the Petitioner on 30 June 2003. The Petitioner had set up his claim as belonging to ‘Thakar’ – ‘Scheduled Tribe’. The Caste Certificate was issued to the Petitioner to that effect on 30 June 2003. The Petitioner on the basis of the said Caste Certificate came to be appointed as a Driver in the Respondent No.3 – Superintending Engineer, Public Work Circle, Satara. The Vigilance Cell conducted an inquiry and the report was submitted. In the report, the school record in case of petitioner’s two uncles and aunts prior to the year 1950, the pre-

constitution period, were examined. In case of uncle Sarjerao Bajirao Chavan the entry was 'Maratha Hindu-Bhaat', in case of aunt the entry was made as 'Hindu-Maratha' and in case of uncle Udhav Bajirao Chavan it was 'Hindu- Maratha'. The Vigilance Cell also noticed that there was a change in the register in respect of the entry as 'Hindu – Bhaat' to 'Hindu Thakar'. The Committee found that these documents were unexplained and contrary to the claim set up by the Petitioner on whom burden laid to establish the claim and accordingly, invalidated the caste claim of the Petitioner.

3. Learned counsel for the Petitioner submitted that the birth record in respect of two uncles for the pre-constitution period from 1 December 1938, 13 June 1942 and 30 August 1948 showed the entry as 'Thakar'. He submitted that therefore the Committee ought to have given due weightage to these entries. He relied upon the decision of the Supreme Court in the case *CIDCO vs. Vasudha Gorakhnath Mandevlekar*¹ to contend that in case of a conflict, more weightage should be given to the entries of the Birth Register. He also relied upon the decisions in the case of *Anand vs. Committee for Scrutiny and Verification of Tribe Claims and others*² and *Veena Ashok Godse @ Veena Hemant Sonawane vs. State of Maharashtra & ors.*³ to stress that the

1 (2009) 7 SCC 283

2 (2012) 1 SCC 113

3 SC Civil Appeal No.19968/2017

Committee ought to have a holistic view of the entire evidence to draw the conclusion. He contended that the correction in the school register was carried out with certification of the Headmaster.

4. Under 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 placed on the claimant to establish his claim. The entries in respect of the Petitioner's uncles are of completely different community which are admittedly not even synonymous of 'Hindu – Thakar'. The Committee, rightly noted that in the pre-constitution period the entries of Petitioner's relatives showed entries of completely different communities and that no explanation was forthcoming. The argument was to simply remove these entries from consideration. The Committee considered the documents putforth by the Petitioner and has rightly given weightage to the entries in the school record of his aunt and uncle which run counter to the claim of the Petitioner. The Petitioner claims to belong to 'Hindu-Thakar' and the entries of pre-constitution period in the school record showed the entry 'Hindu-Maratha' and 'Maratha-Hindu-Bhaat'.

5. The decision in the case of *CIDCO* (supra) was rendered by the Supreme Court in the context of the correction regarding the date of birth. In respect of the scrutiny regarding validity of the Caste Certificate which exercise has to be considered in looking into the pieces of evidence produced on record, no such proposition is placed before us. The decisions in the case of *Anand* (supra) and *Veena Godse* (supra) lay down a principle regarding assessment of the entire evidence. In the case of *Anand*, the Supreme Court has observed that the genuineness of the certificate has to be considered on examination of the documents and it is not feasible and desirable to lay down an absolute rule.

6. In the present case as the view is taken by the Committee based on adverse and unexplained documents of the relevant period. We do not find any merit in the case so as to warrant any interference in the writ jurisdiction. The Petitioner has not discharged burden of proving his case before the Committee. The Writ Petition is accordingly rejected.

7. At this stage, learned counsel for the Petitioner seeks continuation of the interim order. Ad-interim order to continue for a period of 12 weeks from today.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)