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

WRIT PETITION NO. 8432 OF 2015

Vighanesh Mohan Nakhawa

..Petitioner

vs.

State of Maharashtra through its
Secretary & ors.

..Respondents

.....

Mr. C.K. Bhangoji i/b. Mr. R.K. Mendadkar for petitioner.

Mr. K.S. Thorat, AGP for respondent No.1.

Mr. Neel Helekar a/w. Smt. Neeta V. Masurkar for respondent
Nos. 3 and 4.

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

DATE : 3 FEBRUARY 2020

P.C.:-

By this Petition, the Petitioner has challenged the order passed by the Scheduled Tribe Certificate Scrutiny Committee, Thane, dated 18 November 2014 invalidating the caste claim issued to the Petitioner on 22 August 2007 as belonging to “Mahadev-Koli Tribe”.

2. The Petitioner has also raised a challenge to Section 6(3) 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 in respect of the verification of the caste claim of persons engaged in the services of the Central Government and Central Government Instrumentalities.

3. As regards the challenge to the jurisdiction of the Committee and Section 6(3) is concerned, we find from the order of the Committee that the Petitioner himself had applied to the Scrutiny Committee through the Senior Superintendent of Post Offices. Neither an independent Petition was filed questioning act of employer in making reference to the Scrutiny Committee nor an objection was taken before the Scrutiny Committee that it will have no jurisdiction to look into the caste claims of the persons working in the Central Government. The Petitioner cannot raise this challenge after the order of Scrutiny Committee has gone against him. The Petitioner has simply taken chance, as, if the validity certificate would have been issued, the Petitioner would not have challenged the jurisdiction and the provision of the Act. Therefore, the challenge to Section 6(3) of the Act cannot be considered in the facts of the present case.

4. As far as claim of the Petitioner as belonging to “Mahadev Koli Tribe” and the validity of the caste certificate is concerned,

the Petitioner has produced no cogent evidence in support of his claim. The entries in the school record of the Petitioner's father of 12 June 1947 and 13 June 1956 show the entry "Hindu-Koli". The documents sought to be produced on record by the Petitioner are of the recent years or show the entries as "Koli". After having considered the evidence on record the Scrutiny Committee has held against the Petitioner because he has failed to discharge the burden cast upon him under the Act of 2000. There is no error or perversity in this conclusion. The Writ Petition is, rejected.

5. At this stage, learned counsel for the Petitioner seeks continuation of the ad-interim order. Ad-interim order to continue for 6 weeks from today.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

Diksha
Rane

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