

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9310 OF 2019

Prakash Tukaram Raje

... Petitioner.

V/s.

State of Maharashtra and another.

... Respondents.

Mr.Harshad Inamdar for the Petitioner.

Ms.Rupali Shinde, AGP for the Respondents.

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

DATE : **6 February 2020.**

P.C. :

Heard the learned counsel for the parties. The Petitioner has challenged the order passed by the Respondent-Scheduled Tribe Certificate Scrutiny Committee, Pune dated 18 June 2019 invalidating the caste certificate issued to the Petitioner on 23 November 2017 as belonging to Mahadev Koli community. We are inclined to set aside the impugned order and remand the proceedings to the Scrutiny Committee for fresh consideration for the following reasons.

2. When the Petitioner's claim was being considered by the Scrutiny Committee, an enquiry was directed. The Vigilance Cell visited the area, collected certain documents and submitted the report. The report of the Vigilance Cell is on record. The Vigilance Cell collected documents of Petitioner's uncle, father, cousin and other siblings. The documents range from 1920 onward. Most of the documents show the entry of Koli and one document showed the entry as Hindu Mahadev Koli. The Scrutiny Committee considering these pieces of evidence came to the conclusion that since the record of the years 1920 to 1950 mostly showed the entries of Koli, the case of the Petitioner cannot be accepted.

3. The learned counsel for the Petitioner has pointed out that in the Vigilance Cell report, there is a reference to two sale-deeds stated to have been executed by the Petitioner's grandfather and the said documents were before the Scrutiny Committee, however, the Scrutiny Committee has not been considered the same. The Petitioner has annexed coloured photo copies of the said sale-deeds to this petition. These sale-deeds are dated 20 May 1922 and 19 October 1938.

4. The Petitioner has stated on oath that these sale-deeds were executed by the Petitioner's grandfather. It is stated that the sale-deeds refer to the Petitioner's grandfather's caste as Mahadev Koli.

5. Perusal of the order of the Scrutiny Committee shows that there is no reference to these documents. At this stage, we are not commenting on genuineness or veracity of these documents but if the Vigilance Cell has placed these documents stated to have been in favour of the Petitioner, then they ought to have been considered by the Scrutiny Committee. Since this has not been done, the matter will be remanded to the Scrutiny Committee.

6. In these circumstances, we quash and set aside the impugned order dated 18 June 2019. The proceedings in respect of validity of the Petitioner's caste certificate stand restored to the file of the Scrutiny Committee to be decided afresh in the light of what we have observed above. We once again make it clear that reference to these documents is only for reconsideration by the Scrutiny Committee and we have not opined finally on these two documents.

7. With the aforesaid observation, writ petition is disposed of.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)