

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

WRIT PETITION NO. 2964 OF 2019

Sharmeen Haroon Shaikh	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr. C. K. Bhangoji for the Petitioner.
Mr. N. C. Walimbe, AGP for the Respondent / State

**CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.**

DATE : 5 April 2021

P.C.

. Heard learned counsel for the parties.

2. The Petitioner has challenged the order passed by the Respondent-Scrutiny Committee on 23 February 2018 invalidating the caste certificate issued to the Petitioner on 6 January 2014 as belonging to Muslim Takari, Vimukta Jati (Nomadic Tribes).

3. The case of the Petitioner was referred to the Scrutiny Committee under the Education Category. The Petitioner in support of his claim as belonging to Takari Community, relied upon the School Leaving Certificate of Petitioner's grandfather,

wherein entry in the school was of 26 September 1955. The documents produced by the Petitioner, apart from the School Leaving Certificate of Petitioner's grandfather, were either post 196, when the Community was referred as Nomadic Tribe or where there was no mention of any caste or the relationship of the person mentioned in the document was not established. The Petitioner also relied upon the Sale-Deed in respect of one Azam Imam of 24 January 1945.

4. The Scrutiny Committee discarded the Sale-Deed on the ground that the Petitioner had failed to prove his relation with Azam Imam. As regards the School Leaving Certificate of Petitioner's grandfather, the Committee observed that the Register of the School was examined and no reference was found in respect of the person named in the School Leaving Certificate. The Vigilance Cell also entered into correspondence to the concerned school and recorded the statement of the Head Master who also confirmed this position. The Petitioner, in spite of putting him to notice, did not submit any explanation.

5. The contention of the learned counsel for the Petitioner is that the Vigilance Cell report, wherein the neighbouring persons have been examined, is in favour of the Petitioner and the report was discarded without any reason. It was submitted that in the Muslim religion caste is generally not mentioned and, therefore,

the absence of documentary evidence should not be held against the Petitioner.

6. Firstly, we have to take note of the burden placed upon the Petitioner under 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. Secondly, the Petitioner base his claim specifically on the basis of document, which was found to be not genuine. It is now that the Petitioner is resorting to general propositions. The Petitioner had accepted at the inception that the Petitioner does not have documents and relied only on the interview of the neighbouring persons and the general proposition regarding the religion. The Petitioner tried to discharge the burden under the Act by specifically relying upon the School document which were not found to be genuine. In respect of Sale-Deed which was relied upon, no relationship is proved. If the Committee, in these circumstance, did not go by the interviews conducted by Vigilance Cell, the said approach cannot be said to be perverse of impossible.

7. Writ petition is accordingly rejected.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)