

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.487 of 2019

Rajesh s/o Prabhakarrao Jumle

...Petitioner

Versus

Joint Commissioner & Vice Chairman, Scheduled Tribe

...Respondents

Certificate Scrutiny Committee, Nagpur and another

Shri S.R. Narnaware, Advocate for the Petitioner

Shri Amit Madiwale, AGP for the Respondent Nos.1 and 2 - State

Shri A.D. Mohgaonkar, Advocate for the Respondent No.3

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 8 MARCH 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner has challenged the order passed by the Respondent – Scrutiny Committee, dated 9 January 2019 invalidating the Caste Certificate of the Petitioner issued on 17 November 1987 by the Executive Magistrate, Nagpur as belonging to “Kapadia Nayaka”- Scheduled Tribe.

3. The Petitioner is working with the Respondent Nos.2 and 3 - Maharashtra Electricity Board on a post reserved for Scheduled Tribe

category. The Petitioner's Caste Certificate was referred to the Scrutiny Committee for verification.

4. The Petitioner produced documents before the Scrutiny Committee and the Vigilance Cell Inquiry was conducted. The Petitioner relied upon the Birth Certificate of the Grandfather of the year 1937 and Primary School Leaving Certificate in respect of the Petitioner's father of the year 1943. The Scrutiny Committee noted that in some of the documents of the year 1952-53 the entry was "Shimpi". The Scrutiny Committee noted that the Caste Certificate of the Petitioner's brother was invalidated by order dated 29 October 2004 and the Writ Petition filed by the brother of the Petitioner bearing Writ Petition No.5328 of 2004 was dismissed by the Division bench of this Court on 2 August 2017. The Scrutiny Committee also noted that the Vigilance Cell inquiry found that the record of the year 1937 was lost and a report was given by the one Head Master of the concerned school that they do not have the record from 1943 to 1947. Even the Education Officer reported that no record is available with the School. The Vigilance Cell noted that the entries in the post 1950 is of "Shimpi". The Petitioner's paternal cousin had accepted that the family belongs to "Shimpi" and had withdrawn the claim of Scheduled Tribe. Accordingly, by the impugned order the Scrutiny Committee invalidated the Caste Certificate.

5. The learned Counsel for the Petitioner sought to contend that each case has to be decided on its own merits and the pre-constitutional documents have not been considered. As regard the rejection of the claim

of the Petitioner's own brother, the learned Counsel for the Petitioner orally contends that the Petitioner was not aware about the same.

6. Invalidation of the Petitioner's brother's Caste Certificate and the rejection of the Writ Petition by this Court is highlighted by the Scrutiny Committee in the impugned order. The Respondents have placed on record the order passed by this Court in the Petitioner's brother case. The Petitioner has not dealt with this order passed by the Division Bench in the entire Petition, let alone annexing the same. If the petitioner wanted to comment on this ground of invalidation, at least the Petitioner could have taken acknowledged the existence of the order of this Court. The oral assertion that Petitioner was not aware of the order in case of his brother, is stated to be rejected.

7. We have gone through the order of the Division Bench in the Writ Petition No.5328 of 2004 in the case of Petitioner's brother. The Division Bench perused the record, referred to the documents of the year 1935 and 1937, noted the Police Vigilance Cell Report and found that Caste Certificate of Petitioner's brother was rightly invalidated.

8. No distinguishing feature has been urged before us, except stating that each case has to be considered on its own merits. The order of the High Court is not challenged and thus accepted. The Scrutiny committee has given sufficient reason for invalidating the Caste claim. For the reason stated above, no case is made out for any interference.

9. The Writ Petition is accordingly rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]