

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8627 OF 2023

Sandeep Jayaram Sonawane

.....Petitioner

Versus

The State of Maharashtra and others

.....Respondents

.....

Mr. A. N. Sabnis h/f Mr. E. S. Murge, Advocate for the Petitioner
Mr. S. S. Dande, A.G.P. Respondent Nos. 1 to 3

.....

**CORAM : NITIN JAMDAR, ACTING CJ &
S. G. CHAPALGAONKAR, J.**

DATED: 24 JULY 2023.

PER COURT:-

Heard the learned counsel for the parties.

2. The petitioner has challenged the order passed by the Respondent/Caste verification scrutiny committee, Dhule, invalidating the caste certificate issued to the petitioner on 29.06.2009, by the Deputy Collector (D.R.O.), Jalgaon, as belonging to Tokare Koli Scheduled Tribe.

3. The Petitioner, since was desires of pursuing the higher education from reserved category, his caste certificate was sent for

verification. The Petitioner appeared before the Committee and submitted documents. An enquiry by the Vigilance cell was carried out and documents were placed on record. The Petitioner was heard and the impugned order was passed invalidating his caste claim.

4. The record produced by the Vigilance Cell included the birth extract of the Petitioner's grand-father of 25 September 1927, of his uncle of 29 March 1950, of his father of 25 February 1953 and of his another uncle of 11 June 1955, showing the entry as 'Koli'. Thereafter, for other uncles, the entry was recorded as 'Hindu' and 'Hindu Koli'. These were recorded between 1958 to 1963. In the school record of the Petitioner's father of 8 June 1964, the entry was recorded as 'Hindu Suryawanshi Koli'. Then in the Petitioner's school record from 1983, the entry appears to be as 'Tokare Koli'.

5. The learned counsel for the Petitioner relies upon the decision of the Hon'ble Supreme Court in the case of *Anand versus Committee for Scrutiny and Verification of Tribe Claims and others*, (2012) 1 SCC 113¹. However, in our view, the law laid down by the Hon'ble Supreme Court in the said case is distinguishable. Through the series of decisions of the Hon'ble Supreme Court and this Court it has been held that the record prior to 1950 i.e. the pre-Constitution period is of importance while determining the claims as members of scheduled tribe. In

the Petitioner's case all the entries prior to 1950 and upto 1964 are entries contrary to Petitioner's claim and in fact are adverse. The claim of the Petitioner is towards 'Tokare Koli' and the entries are 'Hindu Koli' and 'Suryawanshi Koli'.

6. The learned counsel for the Petitioner then sought to contend that in the school record of Petitioner's brother, which the Petitioner has obtained subsequent to the impugned order, the entry is recorded as 'Tokare Koli' and thus the matter be remanded. However, this record is recent one and contra entries in respect of the Petitioner's father, grand father and uncles cannot be overlooked. They have been rightly taken into consideration by the scrutiny committee as adverse to the Petitioner. This being the position, we find that no error is committed by the Respondent scrutiny committee.

7. Therefore, we are not inclined to interfere in the view taken by the Scrutiny Committee. The petition is accordingly rejected.

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)