

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4079 OF 2022

Babu Gurappa Koli	] .. Petitioner
Vs.	
1. Scheduled Caste Certificate Scrutiny Committee,	]
Pune Division, Pune	]
2. Tahsildar and Election Returning Officer,	]
Mohol, Dist. Solapur	]
3. The Vigilance Cell,	]
Scheduled Caste Certificate Scrutiny Committee,	]
Pune Division, Pune	]
4. Sanjay Sharnappa Bhosale	]
5. The State of Maharashtra	] .. Respondents

Mr. Anant Vadgaonkar for the Petitioner.

Ms. M.P. Thakur, AGP for Respondent Nos.1, 3 and 5-State.

CORAM : SUNIL B. SHUKRE & RAJESH S. PATIL, JJ
DATE : 4TH AUGUST, 2023.

ORAL JUDGMENT : { Per Sunil B. Shukre, J. }

1. RULE. Rule is made returnable forthwith. Heard finally, by consent of learned counsel for the respective parties.

2. On going through the impugned order, we find that the impugned order is passed on the basis that the caste certificate in question was not issued by the concerned Tahsil office. As can be seen from the impugned order, there is no categorical denial by the concerned Tahsil office about issuance of the caste certificate in question. Unless and until a document, which is alleged to be

forged, is stated to be not genuine document by the office which has created it, no other person can reach a conclusion, much less a prima facie conclusion, that the caste certificate is not genuine and is a forged document, warranting filing of a complaint for setting the criminal law in motion. All that which has been observed by the concerned Tahsil office is that the entry regarding issuance of caste certificate was not found in the concerned registers. Absence of entries in the concerned registers is not enough for an authority like the Scrutiny Committee to say that the caste certificate is false and not genuine. There has to be a specific and categorical denial of the document or a categorical statement about the document being not genuine by the concerned, who has created the document or who is the party to the document.

3. As said just now, the document in question has been created by the Tahsil office and parties to that document are the signatories of the certificate in question and also the petitioner. Therefore, denial of this document in question ought to have come from either of these parties, which is not seen in the present case. Thus, we find that the impugned order does not stand the scrutiny of law and it must go.

4. The petition is allowed. The impugned order dated 17th February 2022 passed by the respondent no.1-Scrutiny Committee, below Application No.3082 of 2020 (Exhibit-G to the petition), is hereby quashed and set aside and the matter is remanded back to the Scrutiny Committee for fresh consideration of the document in question in accordance with law.

5. Petitioner is directed to appear before the Scrutiny Committee on 21st August 2023 at 11:00 am. The Scrutiny Committee is directed to decide the issue in accordance with law as expeditiously as possible and preferably within eight weeks from the date of appearance of the petitioner before it.

6. Rule is made absolute in the above terms. Petition is disposed of.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]