

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15639 OF 2022

Shri. Kishor Vilas Ambudkar ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr. Surel Shah with Mr.Rahul B. Khot for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondent-State.

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**CORAM : NITIN JAMDAR, ACJ &
SANDEEP V. MARNE, J.**

DATE : 13 JUNE 2023

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order dated 29 July 2019 passed by Respondent No.2-District Caste Certificate-Scrutiny Committee, Satara invalidating the caste certificate issued to the Petitioner by Sub-Divisional Officer (Revenue), Man-Khatav dated 26 February 2014 certifying that the Petitioner belongs to Saitwal-153 (Other Backward Classes).

3. The Petitioner applied for and was granted the caste certificate as above. The caste certificate of the Petitioner was sent for verification as the Petitioner has sought benefits in his service on the basis of the caste certificate. The Petitioner's caste certificate was referred to the Scrutiny Committee for verification. The Petitioner produced certain documents such as the School Leaving Certificate of the Petitioner dated 4 June 1994, the School Leaving Certificate of the Petitioner's father, wherein it is mentioned that the father of the Petitioner had joined the school on 23 May 1962 and village extract of the birth certificate in respect of cousin of Petitioner's grand-forefather. A vigilance enquiry was conducted. The Vigilance Cell visited the original residence of the Petitioner and made enquiries with the persons therein, who stated that the Petitioner's forefathers were engaged in the business of clothes and they are Jain-Saitwal. Copy of the Vigilance Cell report to the Petitioner and upon no response from the Petitioner, the Scrutiny Committee proceeded to examine the documents produced by the Petitioner and came to the conclusion that the Petitioner failed to prove that he belongs to Saitwal community. No documents in that regard have been produced.

4. The learned Counsel for the Petitioner submitted that Saitwal was included in the main entry of Shimpi (OBC) or by the Government Resolution dated 1 March 2006 and therefore, the

Petitioner did not have any document. He also contended that Saitwal should be considered as part of Jain and as regards the entries of Jain, they are present in the Petitioner's record. The learned Counsel also submitted that no opportunity was given to the Petitioner when the Scrutiny Committee differed from the view taken by the Vigilance Cell.

5. In Government Resolution dated 1 March 2006, Shimpi at serial no. 153 has been shown as the main community and sub-caste has been enumerated as जैन शिंपी, श्रावक शिंपी, शेतवाळ, शेतवाल, सैतवाळ, सैतवाल. From bare perusal of the said Government Resolution, it is seen that the argument that Saitwal is a sub-caste of Jain, is without context because the said Resolution includes Saitwal separately as sub-caste of Shimpi and not as of Jain. Therefore, argument that the simplicitor entry of Jain in the Petitioner's documents is a proof of the Petitioner belonging to Saitwal cannot be accepted.

6. Under section 8 of 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, the burden is on the Claimant to prove that he belongs to the community for which he has put forth his claim.

7. In the impugned order, there is specific reference to supply of a copy of the Vigilance Cell report to the Petitioner and issuance of notice to the Petitioner and therefore, opportunity was given to the Petitioner. No reason shown why to doubt this specific statement.

8. Therefore, we find no error in the impugned order, as the Petitioner has failed to substantiate his claim. In light thereof, there is no merit in the Petition and is accordingly disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)