

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 942 OF 2023

Mr. Prashant Shankar Kangi

.. Petitioner

V/s.

State of Maharashtra, through
Secretary, Tribal Development
Department and Ors.

.. Respondents

...

Mr. Kamlakar L. Koli, Advocate for the Petitioner.

Mr. B.V. Samant, AGP for Respondents no.3 to 5.

...

**CORAM : NITIN JAMDAR, &
SANDEEP V. MARNE, JJ.**

Dated : 1 August 2023.

P.C. :

1. Heard learned Counsel for the Petitioner.
2. The Petitioner has challenged the order passed by Respondent no.2-The Scheduled Tribe Certificate Scrutiny Committee invalidating the Caste Certificate of the Petitioner as belonging to Koli Mahadev Scheduled Tribe and for a direction to Respondent no.6-Naval Dockyard to reinstate the Petitioner in service.
3. Petitioner was offered services in the employment of Respondent no.6 on 1 March 2007 as Lascar (OD) in the

Reserved Category on the basis of School Leaving Certificate of the Petitioner. Thereafter, the appointment was cancelled by communication dated 4 February 2008 stating that Petitioner failed to produce the requisite Caste Certificate. The Petitioner thereafter applied for and obtained Caste Certificate of Koli Mahadev Scheduled Tribe on 27 July 2017 and he made an application to the Respondent no.6 to forward the Caste Certificate to the Scrutiny Committee. The reference was made and by the impugned order dated 25 October 2021, the Caste Certificate was invalidated.

4. We have perused the order passed by the Scrutiny Committee. The Petitioner had produced certain documents before the Scrutiny Committee. Enquiry through Vigilance Cell was conducted. The Vigilance Cell has placed on record the documents which show the entry in the records of the Petitioner's relatives i.e. Grandfather, Father, Uncle as 'Hindu Koli'. In respect of Petitioner's Grandfather, the record shows the entry as 'Koli' as of 18 March 1949. In respect of Petitioner's Father, the School Leaving Certificate and the Village record, show the entry as 'Hindu Koli'. Even in case of Petitioner's Uncle (cousin), of the year 1932 and 1945, the entries were of 'Koli'. The entries in respect of Petitioner's Uncle as 'Mahadev Koli' are recent ones of the year 1978. The Scrutiny Committee therefore following the well established principle of giving primacy to the documents

prior to 1950 and with the settled legal position that the entry 'Koli' does not support the claim of 'Mahadev Koli Scheduled Tribe', proceeded to pass the impugned order. We do not find that there is any error in the view taken by the Scrutiny Committee based on the above material.

5. As regards the direction to the Respondent no.6 to reinstate the Petitioner in services is concerned, the Petitioner seeks a post in the Reserved Category. His Caste Certificate is invalidated. Therefore, we cannot issue such direction as sought for by the Petitioner.

6. The Writ Petition is accordingly rejected.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.

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