

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2712 OF 2019

Vandana Raghunath Lohar @	}	
Vandana Madhukar Sutar	}	
Age 37 years, Occu. Service,	}	
R/o. 557, Shantaram Sadan,	}	
Anand Nagar, Thiba Palace Road,	}	
Ratnagiri.	}	Petitioner

Versus

- | | | | |
|----|---|---|-----------------|
| 1. | The State of Maharashtra | } | |
| | Social Justice, Cultural Affairs | } | |
| | and Special Assistants Department, | } | |
| | Mantralaya, Mumbai. | } | |
| 2. | The Member Secretary, | } | |
| | District Caste Certificate Scrutiny | } | |
| | Committee, Sangli. | } | |
| 3. | Superintendent, | } | |
| | Deputy Director of Land Records | } | |
| | Konkan Region, D. D. Building, | } | |
| | 1 st Floor, Old Jakat House, Fort, | } | |
| | Mumbai-23. | } | |
| 4. | The Deputy Superintendent | } | |
| | of Land Records | } | |
| | Lanja, District – Ratnagiri. | } | |
| 5. | The Sub Divisional Officer, | } | |
| | Sub Division Walwa, Islampur, | } | |
| | Tal. Walwa, District – Sangli. | } |Respondents |

**WITH
WRIT PETITION NO. 1129 OF 2021**

Harshada Hemant Thakur	}
Age - 29 years, Occu. - Housewife,	}
R/o. At Post Khaadi, Tal. Lanja	}
District - Ratnagiri-416701	}Petitioner

Versus

- | | | |
|----|---|-------------------|
| 1. | The State of Maharashtra | } |
| | Social Justice, Cultural Affairs | } |
| | and Special Assistants Department, | } |
| | Mantralaya, Mumbai. | } |
| 2. | Office of Settlement Commissioner | } |
| | & Director of Land Revenue | } |
| | Record, Ratnagiri. | } |
| 3. | Superintendent, | } |
| | Deputy Director of Land Records | } |
| | Konkan Region, D. D. Building, | } |
| | 1 st Floor, Old Jakat House, Fort, | } |
| | Mumbai-23. | } |
| 4. | Deputy Superintendent | } |
| | of Land Records | } |
| | Lanja, District – Ratnagiri. | } |
| 5. | Vandana Raghunath Lohar | } |
| | Age : 37 years, Occu. - Service | } |
| | R/o. 557, Shantaram Sadan, | } |
| | Thiba Palace Road, Ratnagiri | } |
| | District – Ratnagiri. | }Respondents |

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Mr. Prashant More for the Petitioner in WP 2712 of 2019.

Mr. Saurabh Butala a/w. Mr. Arya Sapre i/b. Yashsvita Apte for petitioner in WP 1129 of 2021.

Ms. R. A. Salunkhe, AGP for Respondent - State.

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**CORAM: NITIN JAMDAR, ACJ &
SANDEEP V. MARNE, J.
DATE : 6 JUNE 2023.**

P.C.:

Petitioner has filed this petition challenging judgment and order dated 14 December 2018 of the District Caste Certificate Scrutiny Committee, Sangli thereby invalidating her caste claim as Lohar (Nomadic Tribe).

2. Petitioner was issued caste certificate by the Sub-Divisional Officer, Walwa Division Islampur certifying that she belongs to 'Lohar' caste, which is recognised as a Nomadic Tribe. On the strength of her caste certificate, petitioner came to be selected and appointed on the post of Peon in the office of Deputy Superintendent of Land Records, Lanja vide order dated 30 September 2016.

3. Smt. Harshada Hemant Thakur, who is an intervener in the present petition, made a complaint on 29 March 2017 about petitioner's

caste claim, which led to filing of proposal dated 4 July 2017 by by the employer for verification of caste claim by the District Caste Certificate Scrutiny Committee, Sangli. The Scrutiny Committee, by its judgment and order dated 14 December 2018, has invalidated petitioner's caste claim. Aggrieved thereby, petitioner has filed the present petition.

4. Appearing for petitioner, Mr. More the learned counsel would submit that petitioner had submitted sufficient documentary evidence before the Committee in respect of her caste claim. He would submit that in the documents Shri. Vilas Shivaji Lohar (Petitioner's second cousin) and Aanandibai Ramchandra Lohar (Petitioner's aunt), caste entries are reflected as Lohar. That petitioner filed an affidavit before the committee containing genealogy to prove relationship with *Vilas* and *Anandibai*. That the committee has erroneously discarded such vital documentary evidence by recording a vague finding that petitioner could not establish relationship with *Vilas* and *Anandibai*. He would therefore submit that the findings recorded by the committee are perverse and are liable to be set aside.

5. Mr. Butala, the learned counsel appearing for intervener-Smt. Harshada Hemant Thakur would oppose the petition. He would submit that petitioner failed to submit the necessary documents alongwith her proposal before the Scrutiny Committee. That some of the documents were submitted by her only after the Intervener raised objections. He would invite our attention to the Vigilance Cell Report to indicate that

only 3 documents were submitted by petitioner, on the basis of which Vigilance Cell inquiry was conducted. That the document in respect of *Aanandibai* was not brought to the notice of the Vigilance Cell. He would further invite our attention to the genealogy in petitioner's reply to the Vigilance Cell Report, in which the name of *Aanandibai* is not reflected. He would further submit that Petitioner ought to have produced some documents atleast along with the Petition to counter the finding of the Scrutiny Committee about absence of documents to prove relationship with *Vilas* and *Aanandibai*. He would pray for dismissal of the petition.

6. We have also heard Ms. Salunke, the learned AGP who would oppose the petition and support the order of the Scrutiny Committee.

7. Rival contentions of the parties now fall for our consideration.

8. Petitioner herself was issued school leaving certificate on 11 October 2005 (school admission date of 14 June 1993) showing her caste as 'Hindu Sutar'. Petitioner's father Madhukar Ramchandra Sutar was issued school leaving certificate (date of admission of 16 October 1959) reflecting his caste as 'Sutar'. There is no explanation coming forth as to why caste of the petitioner's father was shown as 'Sutar' right since 16 October 1959. Even petitioner's caste was shown as 'Hindu Sutar' while

seeking admission in the school on 14 June 1993. Therefore, it is incomprehensible as to on what basis the Sub-Divisional Officer, Wawal Division Islampur proceeded to issue caste certificate to petitioner in respect of the caste 'Lohar'.

9. The sheet anchor of petitioner's caste claim is the entries in the school records of Vilas Shivaji Lohar and in death certificate of Aanandibai Ramchandra Lohar. In respect of *Vilas*, an entry 'Hindu Lohar' is made in the school leaving certificate issued on 6 September 2017 with date of admission as 13 July 1991. Petitioner submits that *Vilas* is her second cousin. Petitioner has also relied upon death certificate of *Aanandibai* in which an entry 'Lohar' is made. Petitioner claims that *Aanandibai* is her parental aunt.

10. The Scrutiny Committee has proceeded to discard document in respect of *Vilas* and *Aanandibai* holding that petitioner could not establish relationship with them. We have gone through the entire record of the case and we find that there is no document filed before the Scrutiny Committee which proves relationship of petitioner with *Vilas* or *Aanandibai*. Petitioner thus failed to produce any documentary evidence to prove her relationship with *Vilas* or *Aanandibai*. Even in the present petition, she failed to produce any document to counter findings of the committee about absence of relationship with *Vilas* and *Aanandibai*.

11. To make things worse for petitioner, she did not indicate name of *Aanandibai* in the genealogy incorporated by her in her reply to the report of the Vigilance Cell. In that genealogy, she claimed that her father *Madhukar* had only 3 sisters, *Shantabai*, *Malan* and *Indubai*. However subsequently, petitioner has sworn an affidavit in November 2018 incorporating a genealogy, in which name of *Aanandibai* is added as her father's sister. Petitioner sought to justify the said addition in reply dated 29 November 2018 stating that the name of *Aanandibai* was inadvertently omitted by the typist. If petitioner was relying upon the caste entry in respect of *Aanandibai* claiming her to be parental aunt, she could not have omitted her name in the genealogy earlier submitted alongwith reply to the Vigilance Cell report. Therefore, the theory sought to be set up about omission of name of *Aanandibai* due to inadvertence of typist dose not inspire confidence.

12. There is yet another factor which raises strong doubt about relationship of petitioner with *Aanandibai*. The Committee has held that the surname of petitioner's grandfather (Ramchandra) was reflected as 'Sutar' in the year 1947. Petitioner contended in her reply dated 21 November 2018 that *Aanandibai* (Ramchandra's daughter) died at the age of 3 years on 27 August 1954. In the death certificate *Aanandibai*, her name is shown as '*Aanandibai Ramchandra Lohar*'. If surname of petitioner's grandfather was 'Sutar' in the year 1947, it is

incomprehensible as to how the surname of his daughter could be '*Lohar*' in the year 1954. This is yet another factor which casts serious doubt about relationship between petitioner and *Aanandibai*.

13. We therefore do not find any perversity in the finding recorded by the Scrutiny Committee. Petitioner has failed to establish any error in the impugned judgment and order of the Scrutiny Committee, which would warrant our interference in exercise of jurisdiction under Article 226 of the Constitution of India.

14. The petition is devoid of merit. It is dismissed without any order as to costs.

WRIT PETITION NO. 1129 OF 2021

15. By this petition, petitioner-Harshada challenges appointment of Respondent No.5-Vandana to the post of Peon in the office of Deputy Superintendent Land Records, Lanja. Petitioner seeks her own appointment as Peon in place of Respondent No.5 consequent to her removal on account of invalidation of her caste claim. Since we have upheld the judgment and order dated 14 December 2018 of the Scrutiny Committee invalidating caste claim of Respondent No.5, it shall be open for the petitioner to make a representation to Respondent Nos.1 to 4 for her own appointment on the post of Peon on the post vacated by Respondent No.5. If such representation is made by petitioner within 4 weeks from today, Respondent Nos.1 to 4 shall take decision thereon

within a period of 4 weeks thereafter on it's own merits. Writ Petition is accordingly disposed of.

16. The learned counsel for the petitioner in Writ Petition No. 2712 of 2019 seeks continuation of *ad interim* relief which was granted on 6 March 2019. Request is opposed by Mr. Butala. Considering the fact that Petitioner is in service since 20 September 2016 and that the *ad interim* relief is operational since 6 March 2019, the same shall continue to operate for 4 weeks from today.

SANDEEP V. MARNE, J.

ACTING CHIEF JUSTICE