

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) 2627/2022

Gajanan s/o Pandurang Ghawat,
Aged about 52 years, Occ. Service
R/o. Ghussarwadi, Post. Mathodi,
Tq & Dist-Akola

..... PETITIONER

// VERSUS //

1. Scrutiny Committee for verification
Of Scheduled Tribe Certificate,
Amravati, through its Dy. Director.

2. Divisional Controller,
Office of Divisional Controller,
Maharashtra State Road Transport
Corporation, Akola Division, Akola

.... RESPONDENT(S)

Mr. N.R. Saboo, Advocate for the petitioner
Mr. N.S. Rao, AGP for respondent 1
Mr. P.S. Gawai, Advocate for respondent 2

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, J.J.**

DATED : 19/07/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

Heard. Rule. Rule made returnable forthwith by consent of
the learned Counsel for the parties.

2. The petitioner is assailing the order dated 09.03.2022
rendered by the respondent 1 (Scrutiny Committee) whereby the Caste

SM Gate

Certificate of the “Koli Mahadev” (Scheduled Tribe), which the petitioner secured from the Executive Magistrate, Akol is invalidated.

3. The Scrutiny Committee has noted that the only pre-constitutional document is the birth entry dated 24.09.1939 in which the grandfather of the petitioner is recorded as belonging to “Koli”, which is Other Backward Class.

4. The Scrutiny Committee then noted the statement dated 25.05.2017 of the petitioner, in which there is a candid and honest admission that the petitioner as a fact belongs to “Koli” caste.

5. The Scrutiny Committee has also rejected the claim by applying the affinity test. However, we are not required to delve deeper in the said aspect, inasmuch as we are more than satisfied that in view of the undisputed pre-constitution document and the admission of the petitioner, the Scrutiny Committee was absolutely right in rejecting the claim.

6. The writ petition is **dismissed**.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO J.)