

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

WRIT PETITION 8023 OF 2022

Pradnya Gulabrao Kamble,
 Aged about 35 years, Occu. Household,
 R/o Dongarkhandala, Tahsil and
 District – Buldhana.

..... **PETITIONER**

...V E R S U S...

1. District Caste Certificate Scrutiny Committee,
 Buldhana,
 Samajik Nyay Bhavan,
 Trisharan Chowk, Chikhali Road,
 Buldhana.
2. Baban Tularam Gadge,
 Aged 59 years,
 Occu. Agriculturist,
 R/o Dongarkhandala, Tahsil &
 District – Buldhana.
3. The District Collector,
 Buldhana.
4. The Sub Divisional Officer,
 Buldhana.
5. Executive Magistrate &
 Tahsildar Akola, Dist. Akola.

..... **RESPONDENTS**

 Mr. P. B. Patil, Advocate for Petitioner.

None for respondent 2.

Mr. N.S.Rao, AGP for Respondent 1, 3 to 5.

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.

DATE : 11th JULY, 2023.

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

1. Heard.
2. **Rule.** Rule made returnable forthwith.
3. The petitioner contested election for the office of Member, Gram Panchayat, Dongarkhandala and lost.
4. Respondent 2 - Mr. Baban Gadge is the elected candidate, who submitted a proposal to respondent 1 - Scrutiny Committee, seeking validation of the Certificate issued by the Competent Authority of caste "Kori" which is at Entry 33 in the presidential order as regards the scheduled caste.
5. The Scrutiny Committee was pleased to validate the Certificate issued to Mr. Baban Gadge.
6. The petitioner – Mrs. Pradnya Kamble did participate in the proceedings. She vehemently objected to the Scrutiny Committee validating the certificate of "Kori" caste.
7. We have scrutinized the record and having done so, we see nothing wrong in the view taken by the Caste Scrutiny Committee.

8. Mr. Baban Gadge, *inter alia* relied on three important documents/circumstances. The first is an entry dated 19.07.1935 in the Kotwar Book of mouza Dongarkhandala, which speaks that Puna Gangaram Gadge (caste Kori) who Mr. Baban Gadge claims is his grandfather has begotten a girl child namely Chandrabhagi. The second document pertains to an entry in the revenue record of the year 1951, which refers to the caste of his father Tularam Gadge as “Kori”, and finally, the fact that Mr. Milind Chaganlal Gadge, who is the nephew of Mr. Baban Gadge, has been granted validity certificate by the Amravati Scrutiny Committee.

9. Mr. Patil would submit that the entry of 19.7.1935, in the revenue record ought to have been ignored. We are not in a position to agree. While the Vigilance Cell found that at the time of the verification, the Kotwar Book was in torn condition, the Caste Scrutiny Committee found that the extract of the entry is duly certified by the Tahsil Office, Buldhana. The entry of the year 1951 with the revenue record, which refers to the caste of the father of the petitioner “Kori” is accepted by the Caste Scrutiny Committee. The Caste Scrutiny Committee called for the original Record of Rights register from mouza Dongarkhandala. After perusing the original record, the Scrutiny Committee found that the caste of the father of the petitioner is indeed recorded in the Record of Rights as “Kori”.

10. The findings recorded by the Caste Scrutiny Committee are unimpeachable and are consistent with the record.

11. Mr. Patil would however submit that one Yash Ratan Gadge, who is a relative, was issued the validity certificate not of “Kori” caste but, of Koli “SBC”. This aspect is duly considered by the Caste Scrutiny Committee, which noted that in the proposal submitted by the Educational Institution, validation was indeed sought for “Kori” caste. Presumably, in view of the urgency of the situation Yash may have chosen to take the path of least resistance and may have secured the “Koli” SBC certificate. In any event, in view of the formidable evidence on record to suggest that Mr. Baban Gadge does belong to “Kori” caste, the fact that one of his relative may have been satisfied with the SBC certificate is of no significance.

12. We see no reason to interfere in writ jurisdiction.

13. Writ Petition is dismissed.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)