



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1162 OF 2022

Ranjeet Raju Siddulwar,
age 18 yrs, Occ. Student,
At post Kundalwadi, Tq. Biloli,
District Nanded.

....Petitioner

VERSUS

1. The State Of Maharashtra
Through it's Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.
2. The Scheduled Castes,
De-notified Tribes (Vimukta Jatis),
Other Backward Classes or
Special Backward Category District
Caste Certificate Scrutiny Committee,
Nanded Division, Nanded
Through It's Member Secretary.
3. The Sub-Divisional Officer,
Biloli, District Nanded.

.....Respondents

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Advocate for the Petitioner : Mr. R.B. Dhakane h/f S.G.
Jayewar

AGP for Respondents : Mr. N.S. Tekale

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**CORAM : SMT. VIBHA KANKANWADI
AND
S. G. CHAPALGAONKAR, JJ.**

Dated : January 04, 2024

PER COURT :- (Per S.G. Chapalgaonkar, J.)

1. The petitioner approaches this Court under Article 226 of the Constitution of India, thereby impugning the decision/order dated 15.12.2021 passed by the Scheduled Castes, denotified Tribes (Vimukta Jati's), other backward class or Special Backward Category District Caste Certificate Scrutiny Committee, Nanded Division, Nanded. The petitioner further seeks writ of mandamus against respondent no.2 to grant caste verification certificate in favour of petitioner as belonging to 'Ellamalvar' caste, which is recognized as scheduled caste.

2. Mr. Dhakane, learned counsel appearing for the petitioner vehemently submit that the petitioner has been granted caste certificate dated 20.8.2019 for "*Ellamalvar*" caste by respondent no.3/Sub-Divisional Officer, Biloli. The proposal for verification of caste certificate had been forwarded to the Committee, who has been pleased to invalidate the same vide impugned order dated 15.12.2021.

3. Mr. Dhakane, would submit that the Committee has completely lost sight of the fact that the petitioner is coming from the family who had no means to possess pre-constitutional document pertaining to admission in educational institution. The petitioner could produce evidence in the nature of "*Khasara Patrak*" in name of his cousin grand father wherein entry of "*Ellamalvar caste*" can be found for the year 1952. Such document has presumptive value and could not

have been easily disbelieved. He would submit that report of Vigilance Cell or affinity test need not be favorable to petitioner when the claim can be established through documentary evidence. In such cases affinity test may be a corroborative but not determinant. The Committee has erroneously relied on the observations of the affinity test to discard claim of the petitioner. Since the matter pertains to social status of the petitioner, the Committee ought to have adopted pragmatic view of the matter. He would therefore urge to allow the petition and direct the Committee to issue caste validity in favour of the petitioner.

4. Learned AGP Mr. Tekale appearing for the respondent nos.1 to 3 vehemently contends that claim of the petitioner is based on the recent documents, wherein entries regarding caste have been managed with intention to avail benefits of Scheduled Caste. He would submit that '*Khasara Patrak*' relied by the petitioner nowhere indicate caste of cousin grand father. It refers to his surname as Ellamwar. The committee's decision is based on appreciation of evidence with adequate reasons to discard the claim of the petitioner.

5. We have considered the submissions advanced by learned advocates for the respective parties and gone through the record and proceeding of Committee placed before us. Apparently, claim of the petitioner that he belongs to Ellamalvar Scheduled Tribe will have to be established by him on the basis of the documentary evidence which can be

supported by the affinity test. Predominantly, claim of the petitioner is based on the documentary evidence. The petitioner appears to have relied upon his own caste certificate. The school leaving certificate dated 20.6.2016, school leaving certificate of his sister dated 17.6.2015, school leaving certificate of father dated 3.9.77, a 'Khasara Patrak' in the name of Pamaya Rajeyya Ellamwar (cousin grand father) and an affidavit dated 28.1.2020 containing genealogy. The Committee has rightly observed that first three documents i.e. the caste certificate and school leaving certificates of the petitioner and his sister are recent documents and could not have significance in determining the social status of the petitioner. So far as the father's school leaving certificate dated 3.9.1977 is concerned, the Committee observed that the document being post-constitutional doesn't attach much probative value to support claim of the petitioner.

6. We find that the oldest document relied upon by the petitioner is so-called "*Khasara Patrak*" in the name of cousin grand-father i.e. Mr. Pamaya Rajeyya Ellamwar. The entry depicts Ellamawar as surname of Pamaya which does not resemble with the claim of the petitioner for caste of 'Ellamalwar' scheduled caste. The petitioner could not produce any document of blood relative from his father's side that would be sufficient to discharge his burden in terms of section 8 of the Act to establish claim.

7. The report of the Vigilance Cell depicts that four villagers had supported the caste claim of the petitioner through their statements to be belonging to 'Ellamalwar' caste. However, when those witnesses were cross-examined before the Committee, they retracted from their statement. Therefore, the Committee has rightly discarded that part of the evidence from vigilance report. It appears from the record that during course of hearing, the petitioner and his father were subjected to affinity test, where they failed to depict observance of customs and practices of "*Ellemalwar*" Sheuled Caste.

8. Apparently, we find no perversity or illegality in the impugned order passed by the Committee. The petitioner has miserably failed to establish his caste claim. The writ petition sans merit. Hence, dismissed.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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