

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7385 OF 2022

Shaban Makbul Tamboli

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Umesh Kurund i/b. Mr. Amol L. Dhumal for Petitioner.

Mr. Abhijeet K. Naik, AGP for Respondent/State.

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CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 31 JULY 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The Petitioner has challenged the order dated 15 December 2018 passed by Respondent No.2- Divisional Caste Scrutiny Committee, Satara invalidating the caste certificate issued to the Petitioner by the Sub Divisional Officer Phaltan on 6 August 1999.
3. The primary reason on which the Scrutiny Committee has invalidated the caste certificate issued to the Petitioner as belonging to Tamboli (Other Backward Class) is that on the deemed date i.e. 13 October 1967, the Petitioner was not ordinary resident of Maharashtra.
4. Before the Scrutiny Committee the Petitioner had produced certain documentary evidence. Vigilance Cell inquiry was ordered.

Report was submitted and the Petitioner submitted his reply to the report. The documents that the Petitioner produced were of 1990 and which only stated the entry pertaining to the religion. As regards the Petitioner being ordinary resident of the State of Maharashtra on the deemed date, Scrutiny Committee has examined the documents such as father's school leaving certificate, service record, grand father's death certificate and even the caste certificate issued to the Petitioner's cousin which show that the Petitioner's family was ordinary resident of Karnataka.

5. The learned counsel for the Petitioner has sought to rely upon a certificate issued by Gram Panchayat on 23 January 2019 that the Petitioner is resident of village Bhose, Taluka Miraj, District Sangali. This certificate is issued by one officer of Gram Panchayat Bhose. As regards the veracity of the same, it is not an official document. Further this does not prove the fact that the Petitioner's family was ordinary resident of Maharashtra as on the deemed date.

6. Therefore, we find no error in the view taken by the Scrutiny Committee. The findings on assessment of facts are not perverse. It is based on appreciation of material before it.

7. There is no merit in the petition. Writ petition is accordingly dismissed.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)