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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11357 OF 2022

SHANKAR YADU DHUMAL,
aged 50 years, Occ: Service, residing
at Hol, Tal. Phaltan, Dist. Satara

...PETITIONER

~ VERSUS ~

- 1. STATE OF MAHARASHTRA,**
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai – 400 032.
- 2. SCHEDULED TRIBE CERTIFICATE
SCRUTINY COMMITTEE, PUNE DIVISION,
PUNE,**
through its Member Secretary,
having its office at Kapil Towers,
C-Wing, near RTO office, Pune-1.
Dist. Pune.
- 3. SATARA ZILLA PARISHAD,**
through its Chief Executive Officer,
Satara, Dist. Satara.
- 4. SUB DIVISIONAL OFFICER,**
Phaltan, Dist. Satara

...RESPONDENTS

APPEARANCES

FOR THE PETITIONER**Mr Chintamani K. Bhangoji.****FOR THE RESPONDENT – STATE****Mr S. B. Kalel, AGP.**

**CORAM : M.S.Sonak &
Kamal Khata, JJ.**

RESERVED ON : 30 September 2024

PRONOUNCED ON : 1 October 2024

JUDGMENT (Per MS Sonak J):-

1. Heard learned counsel for the parties.
2. This petition challenges the order dated 25 August 2022 made by the Caste Scrutiny Committee refusing to validate the caste certificate provisionally issued to the Petitioner as belonging to the Scheduled Tribe 'Mahadev Koli'.
3. Mr Bhangoji, learned counsel for the Petitioner, submitted that the Petitioner's father 'Yadu @ Kalyan Dhondiba Dhumal' was described as 'Hindu-Koli (Mahadev)' in the School Leaving Certificate issued on 3 January 1998. He submitted that the Petitioner had produced a document from Grampanchayat issued in 2001 certifying that 'Yadu' was also described under the alias of 'Kalyan'. He submitted that the Caste Scrutiny Committee grossly erred in observing that there was no evidence about 'Yadu' and 'Kalyan' being the same persons.
4. Mr Bhangoji submitted that even the Petitioner's uncle 'Sadu Dhondi Dhumal' was described as belonging to the 'Mahadev Koli' Tribe in the School Leaving Certificate issued on 27 December 1971. Mr Bhangoji submitted that since the Petitioner's father and uncle were described as belonging to

the 'Mahadev Koli' Tribe in their respective School Leaving Certificates, the Caste Scrutiny Committee seriously erred in refusing to validate the Petitioner's caste certificate.

5. Mr Bhangoji submitted that the Caste Scrutiny Committee erred in holding that several Petitioner's relatives were only described as 'Koli'. He submitted that the Petitioner's explanation that most of these persons were not even the Petitioner's relatives was not considered by the Caste Scrutiny Committee. He submitted that such non-consideration vitiates the impugned order, which is accordingly liable to be set aside.

6. Mr Bhangoji pointed out that the Petitioner had produced a 7/12 form in which his name is recorded against a property as a tribal occupant. He submitted that no adequate consideration was shown to this piece of vital evidence by the Caste Scrutiny Committee.

7. For the above reasons, Mr Bhangoji submitted that this Petition may be admitted, and the ad-interim relief granted earlier may be confirmed until the petition's final disposal.

8. Mr S. B. Kalel, learned AGP, defended the impugned order based on the reasoning reflected therein. He pointed out that there was no credible evidence regarding 'Yadu' also being known as 'Kalyan' or about 'Yadu' and 'Kalyan' being the same persons. He submitted that there was no evidence that 'Sadu' was the Petitioner's uncle. In any event, he pointed out that several of the Petitioner's relatives were described as

belonging to the Other Backward Class 'Koli'. Except for denying that these persons were not his relatives, the Petitioner has failed to produce any credible material on record to disapprove the research undertaken by the Vigilance Cell and affirmed by the Caste Scrutiny Committee.

9. Mr Kalel submitted that the scope of interference with the report of the Caste Scrutiny Committee is minimal. He submitted that this Court does not exercise any appellate jurisdiction in such matters. He submitted that the material on record supports the findings of the Caste Scrutiny Committee and that no perversity is involved. For all these reasons, Mr Kalel submitted that this Petition be dismissed.

10. The rival contentions now fall for our determination.

11. At the outset, it is necessary to clarify that the Petitioner claims to belong to the 'Mahadev Koli' Tribe, which was declared a Scheduled Tribe in the State of Maharashtra. There is a distinction between the caste 'Koli' and the Tribe 'Mahadev Koli'. The caste 'Koli' is only classified as belonging to one of the 'Other Backward Classes'. However, 'Mahadev Koli' is a distinct tribe that is classified as a 'Scheduled Tribe'.

12. The Petitioner's entire case is based upon the School Leaving Certificates of 'Kalyan Dhondiba Dhumal', who, the Petitioner claims, is the same as 'Yadu Dhondiba Dhumal'. The Petitioner's case is that Kalyan and Yadu are the same persons. It is his case that Kalyan @ Yadu is the Petitioner's father. Therefore, if the School Leaving Certificate states that Kalyan

@ Yadu belongs to the 'Mahadev Koli' Tribe, then even the Petitioner would belong to the 'Mahadev Koli' Tribe. A similar contention is raised in the context of the School Leaving Certificate of 'Sadu Dhondi Dhumal,' who the Petitioner claims is his uncle.

13. The Caste Scrutiny Committee has held that the Petitioner produced no material to show that 'Yadu' and 'Kalyan' are the same persons. The Caste Scrutiny Committee has held that the Petitioner has not produced any credible material in this regard. The only material produced by the Petitioner is Grampanchayat Form No.8, issued in 2001-2002. This form describes the property surveyed under No.288, and in the column dealing with 'owner name', there is a reference to 'Yadu @ Kalyan Dhondi Dhumal' and 'Hirabai Yadu @ Kalyan Dhumal'.

14. The above Grampanchayat document has hardly any evidence that 'Kalyan Dhondiba Dhumal' is the same as 'Yadu Dhondi Dhumal'. Besides, the School Leaving Certificate of 'Kalyan Dhondiba Dhumal' describes him as 'Hindu-Koli (Mahadev)'. In contrast, 'Sadu Dhondi Dhumal', who the Petitioner claims was his uncle, is described as 'Mahadev Koli'. There are discrepancies about the father's name. There are discrepancies in defining the precise caste or tribe name. There is no credible evidence that 'Sadu Dhondi Dhumal' was the Petitioner's uncle. The school's Head, from where the School Leaving Certificates were produced, was also summoned to attend the enquiry, and she was present before the Caste Scrutiny Committee. She also submitted a written

statement before the Caste Scrutiny Committee. Even this has been duly considered by the Committee.

15. The impugned order reflects that the Caste Scrutiny Committee has considered all the above aspects in some detail. The committee has also given due credence to the vigilance cell report and the observations therein. The findings of the Caste Scrutiny Committee cannot be styled as perverse or based upon no evidence on record. The findings were recorded after full opportunity was granted to the Petitioner.

16. The Caste Scrutiny Committee has referred to the names of several persons and, after giving the relationship of such persons with the Petitioner, pointed out that such persons were described as belonging to the 'Koli' community. The caste "Koli" differs from the 'Mahadev Koli' Tribe. As noted earlier, the 'Koli' caste has been classified as one of the 'Other Backward Classes'. The Petitioner did not claim the benefit of reservation based on the premise that he belongs to the 'Koli' caste but that he belongs to the 'Mahadev Koli' Tribe.

17. The Petitioner's explanation that most of the persons shown as related to the Petitioner were so shown because their surnames were 'Koli' is incorrect. In the impugned order, a chart containing the names and details of several persons is set out. The vigilance cell enquiries indicated that these persons are related to the petitioner. Some of their surnames are "Koli" and others "Dhumal". Still, the investigations revealed that they belonged to the "Koli" caste and not the "Mahadev Koli" tribe. The Vigilance Cell has researched the

matter substantially in the context of birth and death certificates. The Petitioner's first cousin, 'Smt Chagubai Kisan Dhumal', also attended the enquiry. Her deposition is also duly considered by the committee. The Vigilance Cell also refers to social traits and other parameters, which the committee has not ignored.

18. Mr Bhangoji pointed out that the Petitioner had produced a 7/12 form in which his name is recorded against a property as a tribal occupant. However, since this document was unclear, the Petitioner requested fifteen days to submit further evidence. After fifteen days, however, the statement was made that no further evidence was to be produced, and a decision was to be taken based on the existing evidence. Thus, even the entry in the 7/12 form has not been ignored by the Caste Scrutiny Committee.

19. On cumulative consideration of the material on record and the fact that the Vigilance Cell and the Caste Scrutiny Committee has determined the issue of caste validity by complying with principles of natural justice and fair play, we see no reasonable ground to interfere with the impugned order. The findings recorded by the Caste Scrutiny Committee do not suffer from any perversity. All the documentary and oral evidence on record has been duly considered and analysed by the Caste Scrutiny Committee.

20. This Court does not exercise appellate jurisdiction in such matters as held by the Supreme Court in the case of *Kumari Madhuri Patil and another v Addl. Commissioner*,

*Tribal Development and others*¹. Therefore, unless a case of breach of natural justice or perversity in the record of findings of fact is made out, no interference is typically warranted. The petitioner has neither demonstrated any error of law nor are the contentions about some vital pieces of evidence being ignored made good. No procedural infirmities are also alleged, and such contentions are made good. Having regard to the scope of judicial review in such matters, we are not inclined to interfere with the impugned order.

21. For all the above reasons, we dismiss this Writ Petition without any order for costs.

22. The ad-interim relief granted earlier but which was not continued is, in any event, hereby vacated.

23. At this stage, Mr Bhangoji, learned counsel for the Petitioner press for continuation of interim relief for four weeks. Accordingly, the ad-interim relief granted earlier to continue for four weeks from today.

(Kamal Khata, J)

(M. S. Sonak, J)

¹ (1994) 6 SCC 241