

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15308 OF 2022

Sachin Nagnath Mhetre ... Petitioner

versus

State of Maharashtra and Others ... Respondents

.....

Mr. Shubham H. Misar for the Petitioner.

Ms. Rupali Shinde, AGP for Respondent Nos. 1 and 2-State.

.....

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 07 February 2024.

P.C.:

The Petitioner has challenged the order dated 1 July 2022 passed by Respondent No.2- the Scrutiny Committee invalidating the caste certificate issued to the Petitioner as belonging to Koli Mahadeo Scheduled Tribe.

2. The Petitioner is working as a teacher in a private school. The Petitioner had applied for and was granted the caste certificate on 28 January 2017 by the Sub Divisional Officer, Madha, District-Solapur. The caste certificate was submitted for scrutiny to the Scrutiny Committee by the Educational Institution, that is, employer of the Petitioner. Before the Scrutiny Committee, the Petitioner

submitted the caste certificate and evidence in support of his caste claim. The Scrutiny Committee directed an enquiry through Vigilance Cell. The enquiry was conducted by Vigilance Cell and report was submitted. A copy of the report was given to the Petitioner to submit an explanation and after considering the explanation, the Scrutiny Committee passed the impugned order invalidating the caste certificate.

3. Under Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, the burden is on the Claimant to prove the caste claim.

4. In the school record, the caste of the Petitioner's father and uncle is shown as Hindu Koli. The entries are of 6 July 1957 and 9 June 1960 respectively. As regards the entry in respect of Petitioner's uncle Shankarrao Dattoba Mhatre is concerned, the caste is shown as Maratha. This is the entry of 1 April 1955. As regards the caste certificate of the Petitioner's cousin sister Surekha Premnath Mhetre from paternal side is concerned, it was invalidated by the Scrutiny Committee. The contention raised by the Petitioner is regarding non-availability of birth register of the Petitioner's father Nagnath. However, in the Petitioner's father school record, the entry is shown as Hindu Koli. The Scrutiny Committee has, therefore, rightly relied

upon the decision of the Hon'ble Supreme Court in the case of *Kumari Madhuri Patil and Another Vs. Addl. Commissioner, Tribal Development and Others*¹. In this decision, the Hon'ble Supreme Court has made it clear that Koli and Mahadeo Koli are distinct communities where Mahadeo Koli is a Scheduled Tribe. When in the school record of the Petitioner's father and the uncle, the caste is shown as Koli and the Petitioner's cousin sister caste certificate has been invalidated, we find that there is no error committed by the Scrutiny Committee invalidating the caste certificate of the Petitioner. The principles of natural justice have been observed and the Petitioner had an opportunity to put forth his case.

5. The writ petition is accordingly rejected.

6. The learned Counsel for the Petitioner seeks continuation of the ad-interim order dated 18 January 2024. By this ad-interim order, we have noted that a notice of termination was issued to the Petitioner directing him to handover the charge on 20 January 2024 which date we have extended to 20 February 2024. We extend the said date to 22 March 2024.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

1 (1994) 6 SCC 241