

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2653 OF 2024

Jahangir Babasaheb Sanadi

...Petitioner

Versus

District Caste Scrutiny Committee and Ors.

...Respondents

Mr. Satish Kumbhar for the Petitioner.

Ms. Reena Salunkhe, AGP for the Respondent Nos. 1 and 2.

Mr. Thengal Somnath for Respondent No.3.

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

DATE : 29 FEBRUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. The Petitioner was a complainant before the Respondent No. 1- Scrutiny Committee and has challenged the order passed by the Respondent-Scrutiny Committee dismissing his complaint by order dated 24 November 2023, and granting validity certificate to the Respondent No.3 as belonging to '*Koshti*' community.

3. Respondent No.3 had contested the election on the basis of a caste certificate issued to Respondent No.3 on 22 September 2017. When the caste certificate of Respondent No.3 came for verification

before the Scrutiny Committee, the Petitioner submitted a complaint which was heard along with the caste claim of the Respondent No.3. The Scrutiny Committee by the impugned order, rejected the complaint and validated the caste certificate of Respondent No.3.

4. We have perused the order passed by the Scrutiny Committee. The Scrutiny Committee on the basis of material placed before it, has concluded that the caste certificate of Respondent No.3 needs to be validated. Since we are not exercising appellate jurisdiction, we had called upon the learned counsel for the Petitioner/complainant to show errors which go to the root of the case. As to query whether there is any contra material prior to the relevant date i.e. 13 October 1967, no contra evidence is shown. The Scrutiny Committee has considered the documents produced by Respondent No.3 which shows the entry as '*Lingayat*' in the school record and has observed that it was referable to a sect and not caste. The Scrutiny Committee found that there were entries in the Revenue Record of the relatives of the Respondent No.3 as '*Koshti*'. Thereafter, the Scrutiny Committee has considered a sale deed which referred to the occupation of Petitioner's grandfather as '*Koshti*'. The reference is also made to the order passed in favour of the paternal relatives of Respondent No.3 and consequent issuance of validity certificates. The Vigilance Cell inquiry's report is in favour of Respondent No.3.

5. Therefore, having considered this material, if the Scrutiny Committee has concluded that validity certificate needs to be issued

to Respondent No.3, we do not find any perversity in the same to entertain the petition at the behest of the Petitioner/complainant.

6. Writ Petition is accordingly rejected.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)