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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9688 OF 2024

Chidanand Siddhappa Unnad ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

Mr RK Mendadkar, *for the Petitioner.*
Ms Neeta Karnik, *for Respondent No. 4.*
Mrs Rupali Shinde, AGP, *for the Respondent-State.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 16th July 2024

PC:-

1. Heard learned Counsel for the parties.
2. This matter is taken up on an urgent mention on behalf of the learned Counsel for the Petitioner.
3. The Petitioner seeks an interim relief in the context of the Caste Scrutiny Committee invalidating the provisional caste certificate earlier issued to the Petitioner.
4. The Caste Scrutiny Committee has practically analysed each of the documents relied upon by the Petitioner/parties. In so far as

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the Petitioner's own document is concerned, the Caste Scrutiny Committee found that in the school leaving certificate/register, the Petitioner was described as 'Hindu Lingayat'. However, the word 'Lingayat' was scored off, and 'Koshti' was added. This was in different ink and handwriting. This document is on page 46 of the paper book, and it prima facie shows tampering.

5. So far as the documents concerning Petitioner's sister Kalawati are concerned, the same were alleged to be based on the school records. Therefore, such records were summoned by the committee. For quite some time, there was no response from the school. This forced the committee to issue a bailable warrant to secure the headmaster's presence along with the records. After the records were produced, it was found that there were no backing entries. The headmaster who appeared stated that the school records were stolen and, in support, produced a complete made at the police station on 1st June 2023.

6. Again, the Caste Scrutiny Committee has considered the other circumstances to infer serious problems with the documents concerning the Petitioner's sister Kalawati.

7. Mr Mendadkar, however, stressed the caste validity certificate issued to the Petitioner's son, Siddhesh. He submits that as long as this caste validity certificate stands, the Petitioner cannot be considered to belong to any caste other than 'Koshti'. He submitted that an anomalous position would arise if it were held otherwise.

8. Though the above contention appears attractive at first blush, considering the reasoning of the Caste Scrutiny Committee and that a clear attempt was made to produce fabricated or manipulated documents, this contention cannot be prima facie accepted. The Caste Scrutiny Committee records that even the caste validity certificate issued to Siddesh was allegedly based on 1932 and 1935 birth documents. Certified copies of these documents were allegedly produced. However, quite curiously, the originals are unavailable. Mr Mendadkar submits that the Petitioner cannot be held to be responsible. In any case, unless the Tehsildar who issued the certified copies was examined, no adverse inference could be drawn.

9. The Caste Scrutiny Committee held that most of the documents produced on behalf of the Petitioner have serious issues, including manipulation and fabrication. Crucial documents get allegedly stolen or lost. The scope of judicial review for such matters is also quite limited because this Court has not exercised appellate jurisdiction over the orders made by the Caste Scrutiny Committee. Therefore, on a cumulative basis of all these factors, no prima case is made for a grant of interim relief.

10. Accordingly, the motion for interim relief is refused. List the matter for further consideration on 11th September 2024.

(Kamal Khata, J)

(M.S. Sonak, J)