

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 4948 OF 2022

Sujata Maruti Kamble. ... Petitioner.
V/s.
State of Maharashtra and others, ... Respondents.

Mr.Surel S. Shah i/b. C.K.Bhangoji for the Petitioner.
Mr.A.I.Patel, Addl.GP with Mr.K.S.Thorat, 'B' Panel Counsel
for the Respondent- State.
H.Wadhwa i/b. The Law Point for Respondent No.3.

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**CORAM : NITIN JAMDAR AND
DR.NEELA GOKHALE, JJ.**

DATE : 5 April 2024.

P.C.:

Heard the learned counsel for the parties.

2. The Petitioner has challenged the order passed by Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee, Pune dated 15 March 2022 invalidating the caste certificate issued to the Petitioner on 27 March 2017 by the Sub Divisional Officer, Wai belonging to Koli Mahadev Scheduled Tribe.

3. The Petitioner is working with Respondent No.3 and was initially appointed as Ward Attendant on a post reserved for the scheduled tribes. Accordingly the Petitioner's caste certificate was sent for verification to the Scrutiny Committee. Vigilance Cell enquiry was conducted and report was submitted. The Petitioner also submitted documents in support of his caste claim. The Vigilance Cell placed on record twelve documents in respect of Petitioner's relatives. The Scrutiny Committee considered the documents on record and the affinity test to come to the conclusion that the Petitioner has not proved that he belongs to the Koli Mahadev Scheduled Tribe. The Scrutiny Committee discarded the entries in the case of Rangu Shankar Rama Koli on the ground of interpolation as regards the birth register. Thereafter the Scrutiny Committee noted that some of the entries are suspicious and some of the record is not available. Based upon this general reasoning that the caste certificate of the Petitioner is invalidated.

4. The learned counsel for Petitioner points out that there is no discussion as regards the entries in the school records of the Petitioner's great grandfather and cousin great grandfather of the year 1909. The learned AGP supported the impugned order.

5. The chart of the documents produced by the Vigilance Cell is reproduced in the impugned order. Out of twelve documents, at serial no.9 there is a reference to entry in the school register of Rama Ranu Kamble and at serial no.10 there is a reference to the

entry of Dhondi Ranu Kamble as the great grandfather and cousin great father of the Petitioner respectively. These entries of the year 1909 show the case as Mahadev Koli. The Committee has not specifically discarded these entries. In the impugned order, there is no reference or finding that these two persons are not related to the Petitioner and entries have been shown as Mahadev Koli. These two documents, being the oldest documents, had to be examined carefully. By a general sweeping observation that the documents are suspicious, these specific documents cannot be excluded from the consideration. The Scrutiny Committee has referred to the interpolation of certain documents by Rangu Shankar Koli which is a birth register of 1931 subsequent to the entries of 1909.

6. We do not intend to conclude that the Scrutiny Committee should conclusively record a finding that these entries of 1909 are genuine and direct the issuance of validity certificate. What we emphasize on is that when a caste claim is scrutinized, the totality of the records must be considered with respective importance attached to the documents. The entry in the documents in favour of the applicant cannot be completely excluded from the consideration. If such course of action is adopted, then the findings of fact rendered would be liable to be set aside for non-consideration of relevant evidence. Sine these two documents have been completely excluded from the consideration, we have no option but to set aside the impugned order and restore the proceeding to the file of the Scrutiny

Committee for consideration of the evidence produced on record in its totality.

7. Accordingly the impugned order dated 15 March 2022 is quashed and set aside. The caste claim of the Petitioner is restored to the file of the Respondent- Scrutiny Committee. The Petitioner will appear before the Scrutiny Committee on 29 April 2024. Thereupon, the Respondent- Scrutiny Committee will give further dates for hearing and disposal of the proceeding.

8. Writ petition is accordingly disposed of.

(NEELA GOKHALE, J.)

(NITIN JAMDAR, J.)