

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

WRIT PETITION NO.2272 OF 2021

Anil Haribhau Shelke

.. Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

Mr. Omkar Dhakal i/b. Mr. Pankaj D. Purway for the Petitioner.

Ms Nisha Mehra AGP for Respondent Nos.1 to 3-State.

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

DATED : 22 APRIL 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioner has challenged the order passed by the Respondent-Scrutiny Committee dated 20 January 2020 by which the caste certificate of the Petitioner as belonging to Koli Mahadeo Scheduled Tribe was invalidated.
3. The Petitioner had applied for the caste certificate to the Respondent No. 3-Sub-Divisional Officer, Maval-Mulshi, Pune. The Sub-Divisional Officer on 11 December 2015 issued a certificate to the Petitioner as belonging to Koli Mahadev Scheduled Tribe. The caste certificate was sent for verification to the Respondent – Scrutiny Committee.

4. Before the Scrutiny Committee, the Petitioner produced certain documents. The vigilance cell inquiry was carried out and the report was submitted on 11 December 2018 wherein entries in the school record in respect of the Petitioner's relatives i.e. Petitioner's father, uncle, aunt, and cousins were placed on record. The Petitioner was given copy of the report and the Petitioner submitted his explanation. The Petitioner was also interviewed by the Scrutiny Committee. In the interview, the Petitioner failed to show cultural affiliation which invalidated his caste certificate. The Petitioner has given an explanation stating that entries in respect of the Petitioner's father, uncle etc. and other relatives were due to oversight because they being illiterate.

5. In case of *Kumari Madhuri Patil vs State of Maharashtra*¹ Hon'ble Supreme Court has made it clear that Koli and Mahadev Koli are different communities and entry Koli is not in support of the claim as Mahadev Koli, but materially adverse. Hon'ble Supreme Court has also emphasized on the need to have entries prior to 1950, pre-constitutional period as they carry higher probative value.

6. In this case, the entry in respect of the Petitioner's relatives including Petitioner's father from the year 1924 to 1956 are in Koli, Hindu Koli. There is no evidence prior to 1950 as belonging to Mahadev Koli. A general explanation that it was out of illiteracy these entries were made, cannot be accepted. Even assuming the aspect of cultural affinity is

1 1994 (6) SCC 241

to be kept aside, there is no cogent evidence placed before the Scrutiny Committee. Under section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 burden is on the claimant to prove his caste claim.

7. Based on the set of evidence that was before the Scrutiny Committee, the Committee came to the conclusion that the Petitioner has failed to discharge the burden. This finding cannot be termed as perverse so as to warrant interference in the writ jurisdiction of this Court.

8. The Writ Petition is accordingly rejected.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)