

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 14530 OF 2022

Avinash Ashok Anante and others. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Milind A. Ingole for the Petitioners.

Mr.S.B.Kalel, AGP or the Respondent- State.

SANJAY
KASHINATH
NANOSKAR

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

DATE : 1 April 2024.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioners have challenged a common order passed by the Scrutiny Committee dated 16 March 2022 invalidating caste certificates of the Petitioners as Koli Mahadev Scheduled Tribe.

3. The Petitioners had applied for and granted caste certificates as belonging to Koli Mahadev Scheduled Tribe by the Competent Authority on 7 March 2011. The Petitioners' caste certificates were sent by their respective employers for verification. Vigilance Cell enquiry was conducted and report was submitted.

The Petitioners' relatives' school records were examined by the Vigilance Cell. A field enquiry was carried out. The report of the Vigilance Cell was adverse to the Petitioners. The Petitioners were given opportunity to respond. The Petitioners relied upon the validity certificate issued to one Rangnath Bhahiru Anante dated 9 September 1998 claiming to be Uncle (cousin). The Scrutiny Committee after examining the records found that the entries were adverse to the claim of the Petitioners. The Scrutiny Committee also analysed the validity certificate and the evidence in support of the same and invalidated the caste certificates of the Petitioners.

4. Under section 8 of the Maharashtra Scheduled Caste, 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 claimants to demonstrate their caste claim. Not only that there is no evidence prior to 1950, that is, pre-constitution period in respect of the Petitioners' claim but even the entries thereafter in respect of the Petitioners' father and aunt of the years 1969 and 1972 in the school records are Hindu Koli. It is settled by the series of decisions from the decision of the Supreme Court in the case of *Kumari Madhuri Patil v. Addl. Commissioner*¹ and onwards that Koli and Mahadev Koli are distinct communities and the entry Koli is adverse. Even in the case of uncle (cousin) of the Petitioners, namely, Ramhari Laxman Anante and Bhima

¹ 1995 AIR 94 : 1994 (6) SCC 241

Laxman Anante of the years 1956 and 1959 are Hindu Koli. As regards the validity certificate in respect of Rangnath Bahiru Anante, the Scrutiny Committee has analysed it in detail. This validity certificate is of 9 September 1998, that is, prior to coming into force of the Act of 2000. The Scrutiny Committee found that there is no record prior to 1950 in respect of Petitioner's claim. It is stated that brother Digambar Bahiru Anante had given explanation in writing where father of the Petitioners is shown to be illiterate, however, in Vigilance Cell enquiry his school record was found. The entire evidence is contrary to the claim of the Petitioners. The validity certificates produced by the Petitioners are of the maternal side.

5. Therefore, the Scrutiny Committee, according to us, has rightly come to the conclusion that the validity certificate in case of Rangnath Bahiru Anante of the year 1998 was issued without Vigilance Cell enquiry and cannot be made a sole basis and the totality of the circumstances will have to be considered. We find that the assessment of evidence by the Scrutiny Committee is as per the settled principles and cannot be called as perverse. The Petitioners have failed to discharge their burden under section 8 of the Act of 2000. No interference is called for.

6. Writ petition is accordingly dismissed.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)