



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.
WRIT PETITION NO. 1617 of 2018

Nilkanth Mahadev Nandanwar @ Nilkanth Mahadev Gatakhaye **Petitioner**
vs.
Scheduled Tribe Caste Certificate Scrutiny Committee and
two others. ... **Respondents**

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Mr. Mangesh Bute, Advocate for petitioner.
Ms N.P Mehta, Additional Government Pleader for respondent nos. 1 to 3

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CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE :- 4th SEPTEMBER, 2024

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The petitioner is in employment of the State Government viz.
Health Department.

2. Since the petitioner sought employment against a post reserved for Scheduled Tribe category, the office of the Medical Superintendent Class-I referred the claim of the petitioner for verification as that of belonging to 'Halba' Scheduled Tribe after grant of such employment.

3. The petitioner holds a certificate issued by the Sub-Divisional Officer certifying that he belongs to 'Halba' Scheduled Tribe. The claim of the petitioner came to be invalidated vide order dated 25.1.2018. As such, this petition.

4. Mr. Bute, learned counsel appearing for the petitioner has made two fold contentions; (a) that even if the caste entry in relation to father of 13.04.1954 in the school record reflects 'Koshti Halba', same has to be

read as 'Halba' sub caste of 'Koshti' and not Koshti Halba. (b) According to him, the alleged claim of overwriting in the said record cannot be attributed to the petitioner and that being so, the Committee erred in recording a finding that the petitioner does not belong to 'Halba' Scheduled Tribe.

5. His further contentions are that the 'Koshti' caste reflected in the record of his father can also be read as 'Halba'. He would claim that he has already given sufficient information and evidence before the Committee so as to justify his claim of belonging to 'Halba' Scheduled Tribe and as such has satisfied the affinity test.

6. As against above, Ms Mehta, learned Additional Government Pleader, submits that the Committee with the aid of the Vigilance Cell enquiry report has not only recorded findings of tampering of record of father of the petitioner in school record but also the caste of the uncle of the petitioner being recorded as 'Koshti' in the year 1947. According to her, the entry in relation to the uncle is of 20.06.1947 i.e. before the Scheduled Tribe Order was given effect to and as such, same has more evidenciary value.

7. We have considered the submissions.

8. Apart from recording a clear finding on the issue of tampering of the entry in relation to the father bearing 'Koshti' is replaced with 'Halba', the caste of the uncle of the petitioner on 20.06.1947 is also recorded as 'Koshti'.

9. This Court is not empowered to read down the entries to mean that 'Koshti' even if is recorded can be inferred to mean as 'Halba' - Scheduled Tribe.

10. Apart from above, the fact remains that the petitioner was served with the notices by the Committee of hearing and as such, he should have discharged the burden castes under Section 8 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 thereby explaining the adverse entries which he has failed to do. Besides, the petitioner has not satisfied the affinity test as it has come on record that the occupation of the petitioner was weaving which is taboo in the Halba Scheduled Tribe.

11. That being so, no case for causing indulgence is made out. The writ petition accordingly stands dismissed. No costs.

12. In view of existing policy of the Government, in case if the petitioner takes out proceedings before the employer for treating his appointment on a supernumerary post, same be considered in accordance with the prevailing policy of the State Government expeditiously.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)