



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 1618 of 2018

Mahadeo s/o Nathu Dekate

vs.

Scheduled Tribe Caste Certificate Scrutiny Committee, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Mangesh Bute, Advocate for petitioner.

Mr. Shishir Ukey, Additional Government Pleader for respondent nos. 1,2 and 4.

Mr. Ajinkya Joshi, Advocate h/f Mr. S.N.Gaikwad, Advocate for respondent no.3.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 4th SEPTEMBER, 2024

P.C.

Heard.

2. The order impugned in the petition is dated 31.05.2017 whereby the claim of the petitioner as that of belonging to 'Halba' Scheduled Tribe has been invalidated.

3. The petitioner, Assistant Teacher, has secured employment from Scheduled Tribe category i.e. 'Halba'. The employer of the petitioner referred the claim of the petitioner for verification as that of belonging to 'Halba' Scheduled Tribe.

4. The Vigilance Cell conducted enquiry and collected pre-Constitution era documents in relation to father and uncle wherein the caste is recorded as 'Koshti'. Similarly, the caste of the elder brother of the petitioner is reflected as 'Koshti' in 1951 document.

5. Mr. Bute, learned counsel appearing for the petitioner has claimed that the caste of the petitioner and his brother-Ramesh is recorded as 'Halba' in 1956 and 1963.

6. The petitioner, in such an eventuality, is required to discharge burden 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 which he has failed to do. So also he is unable to satisfy the Committee or this Court as to how the caste entries are recorded as 'Halba' in the school record of the petitioner and his brother.

7. Apart from above, the petitioner has accepted the documents wherein the entries in the caste column are recorded as 'Koshti' in relation to his father and grand father.

8. That being so, no case for causing interference is made out. The writ petition fails and it is dismissed as such. No costs.

9. 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.)

Andurkar.