



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.10238 OF 2024

Madhukar Bhimrao Gangane,
Age : 50 years, Occ. Agriculture.,
R/o. Kangara, Tq. & Dist. Dharashiv.

... PETITIONER

Versus

1. The State of Maharashtra,
Through Secretary,
Department of Social Justice and Special Assistance,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Verification Committee,
Dharashiv, Through its Chairman.
 3. Sub-Divisional Officer/Magistrate,
Dharashiv, Tq. & Dist. Dharashiv.
 4. Vitthal Bagad Surwase,
Age 52 years, Occ. Agriculture,
R/o Kangara, Tq. & Dist. Dharashiv.
- ...RESPONDENTS

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Shri. Yogesh G. Birajdar, Advocate for the Petitioner
Shri. P. K. Lakhotiya, AGP for the Respondent Nos.1 to3
Respondent No.4 – Served.
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CORAM : S. G. CHAPALGAONKAR,
AND
NEERAJ P. DHOTE, JJ.

DATE : 25.06.2025

FINAL ORDER (*PER* - NEERAJ P. DHOTE, J.) :

. The Petitioner has invoked the jurisdiction of this Court under
Article 226 of the Constitution of India, to challenge the Order dated

29.07.2024 passed by the Respondent No.2 – Scheduled Tribe Certificate Verification Committee, Dharashiv (for short, ‘Committee’) invalidating the Petitioner’s claim towards ‘Hindu-Khatik’ Scheduled Caste.

2. The Facts, in brief, giving rise to the present Petition are as under :

2.1. The Petitioner was issued the Certificate by the Competent Authority towards ‘Hindu-Khatik’ Scheduled Caste on 07.07.2022. The Petitioner contested the election to the post of Sarpanch, Kangra Grampanchayat, Tal. and Dist. Dharashiv which was reserved for Scheduled Castes candidate / category. As the Petitioner got elected in the said election of 2022, and as the caste claim was to be validated within a period of one (1) year from the declaration of the election results, his Caste Certificate was sent to the Committee for verification. The Petitioner submitted the relevant documents to the Committee. The Respondent No.4 lodged the complaint to the Committee that the Petitioner belong to Hindu-Kalal community under O.B.C. category. The Committee referred the Petitioner’s case to the Vigilance Cell, which submitted its Report. The Committee issued notice to the Petitioner. The Petitioner submitted his response to the notice asserting his claim towards Scheduled Castes on the basis that, his Great Granddaughter was holding validity towards ‘Hindu-Khatic’ Scheduled Caste. On considering the documents available on record, the Committee passed the impugned order invalidating the Petitioner’s claim.

3. It is submitted by the learned Advocate for the Petitioner that, the Committee ignored the documents available on record and particularly the Vigilance Cell Report which supported his claim. One of the blood relatives of the Petitioner was holding validity for the same caste. As the Committee did not properly consider the documents on record, the impugned Order be set aside and the Petition be allowed or the matter be remanded back to the Committee for fresh consideration.

4. The Petition is opposed by the learned AGP appearing for the State and the Committee. He submitted that, neither there was any pre-constitutional period document to support the Petitioner's claim nor there was Affidavit of the validity holder claiming to be from the Petitioner's blood relation. In absence of sufficient proof in support of the claim, the impugned order cannot be faulted, which is passed after considering the documents available in the file. There was no merit in the Petition and the same be dismissed.

5. Perused the papers on record. The Petitioner claims to be belonging to 'Khatik' Scheduled Caste. The impugned Order passed by the Committee shows that, the Petitioner submitted the documents comprising his School Admission Extract (*Nirgam Utara*), Death Certificate of his Father, 7/12 extract of *Mouje* Kangara having the name

of Uttam Nagnath Gangane, *Khasra Pahni Patrak* of *Mouje Kangara* having name of Naga Shankar Kalal, the Proclamation of *Nagarpalika* Latur in respect of one shop having the name of Ram Gyanba Gangane, the Validity Certificate issued in the name of Anjali Uttam Gangane and the Affidavit showing the genealogy. The Committee had referred the Petitioner's claim to the Vigilance Cell. Copy of the Vigilance Cell Report dated 20.09.2023 is at Exh. 'D' to the Petition. The Vigilance Cell made enquiry with the villagers, where the Petitioner was residing and recorded that according to some villagers, the Petitioner was 'Kalal' and according to some villagers, the Petitioner was 'Khatik'. The Vigilance Cell refers to the revenue record submitted by the Petitioner wherein there is mention as 'Kalal'. The Vigilance Cell further refers to the copy of the Validity Certificate issued to Anjali whose name is shown in the genealogy. The Report speaks of collecting the school record of the relatives of the Petitioner. There is no merit in the submission of learned Advocate for the Petitioner that, the Report of Vigilance Cell supports his claim.

6. There is no dispute that the Petitioner was given sufficient opportunity to establish his claim. The School Admission Extract of the Petitioner shows that, the admission was taken on 10.07.1968 and the caste was mentioned as 'Hindu-Kalal'. There is no single document as can be seen from the impugned order showing the caste as 'Khatik' in

support of the Petitioner's claim. The Revenue Record i.e. *Khasra Pahani Patrak* which is in the name of the Petitioner's father Bhima, it is mentioned as 'Kalal'. The Committee has observed that, the said document was having the highest value. The documents, as can be seen from the impugned order, in the name of other persons claimed to be in relation to the Petitioner also speak of 'Kalal'. The only document upon which the heavy reliance is placed by the Petitioner is the Validity Certificate issued in the name of Anjali Uttam Gangane dated 28.09.2018 validating her claim towards 'Khatik' Scheduled Caste. Though the name of Anjali is shown in the genealogy as the Great Granddaughter of the Petitioner, the Petitioner failed to establish his blood relation with the said Anjali as is clear from the impugned Order. Admittedly, no document such as Affidavit etc. of the said Anjali was brought before the Committee to establish the blood relation of the Petitioner with her. Thus, said validity cannot form the basis to validate the Claim of the Petitioner.

7. All the documents relied upon by the Petitioner, except the Validity Certificate of Anjali, show the caste as 'Kalal'. It is needless to state that as per the provisions of Section 8 of the Maharashtra Scheduled Castes, 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 (hereinafter referred to as the 'Act of 2000'), the burden of proving that the person belonged to such caste shall be on such Claimant. The impugned Order is based on the material available before the Respondent No.2 - Committee. Even the prayer for remand of the matter to the Respondent No.2 - Committee has no basis as there is no other document with the Petitioner except the documents already furnished before the Committee, in support of his caste claim. In this view of the matter, there is no merit in the petition and hence we proceed to pass the following order.

ORDER

- (i) The Petition is dismissed.

(NEERAJ P. DHOTE, J.)

(S. G. CHAPALGAONKAR, J.)

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