



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 12178/2018

1. Surdndrasingh s/o Ramsingh Thakur,
Age : 42 years, Occu. Service,
R/o. Behind Santoshi mata Temple,
Balsa Road, Jintoor,Tal,Jintoor.
Dist. Parbhani

...Petitioner

Versus

1. The State of Maharashtra
2. The Caste Verification and Scrutiny Committee,
Through The Divisional Social Welfare Officer,Hingoli.
3. Maharashtra State Electricity Distribution Company
Limited Through
Superintending Engineer, Vidyut Bhavan,
O and M circle office,
Jintoor Road, Parbhani
Tq.and Dist. Parbhani.

...Respondents

...

Advocate for Petitioner : Mr.Naseem R.Shaikh

AGP for Respondent/State : Mr. D.R.Korade

...

**CORAM : S.G.MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 27th JANUARY2025

PER COURT :

1. Rule. Rule is made returnable forthwith.

2. Considering exigency in the matter heard both sides finally .
3. Petitioner is assailing judgment and order dated 21.08.2018 passed by respondent no.2/scrutiny committee invaliding the tribe certificate of the petitioner for Vimkut Jati *Rajput Bhamta*.
4. Petitioner has relied on the validity certificate of Arti Amarsingh Thakur, school record of real brothers and sisters, service record of his father and his own school record. He tenders on record the vigilance report.
5. Learned counsel for the petitioner Mr. Naseem Shaikh submits that impugned judgment and order is perverse because it did not consider the vigilance report which is against Rule 17(7) 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 Rules, 2012.
6. He would also submit that the vigilance certificate of Arti and other documentary evidence corroborates his claim which is wrongly discarded. It is further submitted that the findings recorded in paragraph no. 7 of the impugned judgment are unsustainable.
7. Learned counsel for the petitioner relies on the judgment of this court in the matters of **Kum.Minal vs. The State of Maharashtra**

and ors. in Writ Petition No. 8039 of 2009, **Siddheswar Ramkisan More vs. Divisional Caste Scrutiny Committee** in Writ Petition No. 326,466 and 468 of 2015 and **Shobhana Kanhyasing Tehra and Ors. vs. The State of Maharashtra and Ors.** in Writ Petition No. 925 of 2014.

8. *Per contra*, learned AGP Mr. Korade opposes the submissions of the petitioner on the basis of original papers tendered on record. He submits that the school record of the petitioner is found to be tampered. Validity holder is not a paternal side relative. The scrutiny committee had given an opportunity to the petitioner to deal with vigilance report and thereafter considering the vigilance report, the findings were recorded. It is further submitted that service book of petitioner's father is also found to be tampered. In the absence of convincing evidence, petitioner's claim is rightly rejected by the committee.

9. We have considered rival submissions of the parties and gone through the original papers placed on record.

10. Having considered the rival submissions of the parties what it emerges that the petitioners' claim was based on the validity issued to Arti Amarsingh Thakur, school record of his siblings and service record of his father. The vigilance inquiry was conducted and copy of report was served upon the petitioner. He was given opportunity to

deal with the report.

11. The genealogy is not disputed. It is apparent that Arti happens to be his fathers aunt's granddaughter. She is granddaughter of Narbada. Obviously, the lineal descendants of Narbada would take up caste or tribe of Narbada's husband. The validity pressed into service can not enure to the benefit of the petitioner.

12. Petitioner's school record was verified during vigilance. The admission register was found tampered with the caste column. We have noticed the remarks of vigilance officer and coloured photocopy of the school record. The vigilance report and the findings recorded by the committee discarding the entry is legal and proper. Similarly, extract of the service book of the father is also seen to be tampered. The word '*Pardeshi Bhamta*' was interpolated. That is also not reliable piece of evidence and rightly discarded by the committee.

13. We have gone through the vigilance report dated 07.08.2013. Petitioner was given opportunity to deal with the report. The documentary evidence for which vigilance was conducted was dealt with in the impugned judgment. The report was specifically considered in the impugned order. We are unable to agree with the submissions of the petitioner that vigilance report was not considered by the committee.

14. In the absence of any validity and affinity test to corroborate the claim, what remains are the school entries of petitioner and his siblings. Admittedly, those are of recent period. We find that the committee dealt with those entries and arrived at a plausible conclusion. We find that impugned judgment and order is sustainable and based on vigilance report. No case is made out to cause interference with the impugned judgment.

15. Learned counsel for the petitioner relied on judgment of **Kum.Minal** (supra). Our attention is adverted to paragraph nos. 8, 14 and 15. In that case, petitioner's father and cousin brothers were holding validity certificates. There was school record of his grandfather of 25.07.1927, pre-constitutional period. In that context, the findings were recorded and the petition was allowed. The facts are distinguishable. In the case at hand, neither any validity of paternal side relatives nor pre-constitutional record is placed on record to support the claim. The ratio of that judgment cannot be applied.

16. Further reliance is placed on judgment of **Siddheshwar** (supra). In that case also validities were granted to close relatives of the petitioners. In that case, committee did not record any findings on report of vigilance cell. However, in the present case findings are based on vigilance report. This judgment is also of no assistance to the petitioner.

17. Learned counsel for petitioner also relied on judgment of **Shobhna (supra)**. In that case, validity certificate of real paternal cousin of the petitioner was ignored. Besides that pre-constitutional record of petitioners father was also pressed into service. The facts are distinguishable. We do not find that the observations made in that judgments would apply to the present case.

18. We find no merit in the petition. Hence, Writ petition is dismissed. Rule is discharged.

[SHAILESH P. BRAHME, J.]

[S.G.MEHARE, J.]