

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 11499 OF 2024

Ramchandra Bhima Mane	]	
Age 45 years, Occupation Business,	]	
Residing at Vaveghar,	]	
Tal. Panvel, Dist. Raigad.	]	... Petitioner
V/s.		
1. The State of Maharashtra	]	
Through its Secretary,	]	
Department of Social Justice and	]	
Special Assistance,	]	
Mantralaya, Mumbai – 400 032.	]	
2. The Schedule Tribe Certificate	]	
Scrutiny Committee, Raigad	]	
Division : Raigad,	]	
Through it's Member Secretary	]	
And Dy. Director (Research), having	]	
Its official Add : Behind St. Merry	]	
Convent School, Chendhre,	]	
Alibag – 402 201, Tal. Alibag,	]	
Dist. Raigad.	]	
3. Mr. Adhik Janu Pawar	]	
R/at Vaveghar,	]	
Tal. Panvel, Dist. Raigad.	]	... Respondents

Mr. Gouresh Mogre for Petitioner.
Ms. Tanu N. Bhatia, A.G.P for Respondent Nos.1 & 2-State.
Mr. Pranit Kulkarni i/b. Mr. Jayant Gaikwad for Respondent No.3.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**
DATE : 24th March 2025.

JUDGMENT (*Per A.S. Gadkari, J.*) :-

- 1) Rule. Rule made returnable forthwith and with the consent of the learned Advocates for the respective parties, taken up for final hearing.
- 2) By the present Petition under Article 226 of the Constitution of India, the Petitioner has impugned Order dated 15th July 2024 passed by the Respondent No.2, rejecting the claim of the Petitioner for the caste of 'Vadar' and proceeded to cancel the Caste Certificate dated 29th March 2023 bearing Outward No. 41736230551, issued by the Sub-Divisional Officer, Panvel.
- 3) Heard Mr. Mogre, learned Advocate for Petitioner, Ms. Bhatia, learned A.G.P for Respondent Nos.1 & 2-State and Mr. Kulkarni, learned Advocate for Respondent No.3. Perused entire record.
- 4) Record indicates that, the Sub-Divisional Officer, Panvel had issued a Caste Certificate dated 29th March 2023 in favour of the Petitioner declaring that, he belongs to 'Vadar' caste, which is recognized as Vimukta Jati (A) at Sr.No.12 under Government Resolution CBC-2008/PK-553/MVK-5 dated 26/06/2008 and as amended from time to time.

4.1) The said Certificate was challenged by the Respondent No.3 by filing a complaint with the District Caste Scrutiny Committee, District Raigad. During the said proceedings the Petitioner produced his own Caste Certificate dated 29th March 2023, issued by the Sub-Divisional Officer, Panvel. The Petitioner also relied upon a Caste Certificate issued in favour of Lalita Suresh Mane, a distant relative of the Petitioner. Apart from the said two documents, the Petitioner produced various other documents in support of his claim to the said caste. Record indicates that, the Petitioner had filed an Affidavit disclosing his family tree / Genealogy before the concerned Authority. In the said Genealogy, he has named his father as his only predecessor. He did not disclose information of any other close relative in whose favour any Competent Authority has already issued a Caste Certificate of 'Vadar' caste.

4.2) The aforestated facts are deciphered from the record produced before us and are admitted facts.

4.3) After considering the various documents submitted by the Petitioner, the Respondent No.2 has come to the conclusion that, the Petitioner does not belong to the 'Vadar' caste and has miserably failed to prove it. The Committee has also reached to the conclusion that, the Petitioner and his predecessors were not residents of the State of Maharashtra on the deemed date i.e. on 21st November 1961 and proceeded to invalidate the caste certificate of the Petitioner.

5) There is another facet to the present case.

5.1) During the course of hearing, the learned Advocate for Petitioner at-least on three occasions submitted before this Court that, the Petitioner is an illiterate person and therefore was not aware about maintaining the record and giving sufficient information to the Caste Scrutiny Committee at the time of hearing and it is for that reason, except naming his father he did not name any other person as his close relative with a caste certificate of 'Vadar' caste. There is no averment or even a passing reference in the pleadings of the Petition that the Petitioner is illiterate and such it appears that a submission is made only to gain sympathy from the Court.

5.2) We therefore confronted learned Advocate for Petitioner with the 'Verification Clause' of the Petition, which is in English language and the Petitioner has also signed the same in English language. We are therefore of the view that, the Petitioner is suppressing material facts from this Court and only to get a favourable Order in his favour, is trying to mislead the Court.

5.3) We deem it appropriate to put a quietus to the said issue at this stage. In view of the above, we draw a safe inference from the pleadings in the Petition that, the Petitioner's claim of being an illiterate is false and he is conversant with English language.

6) Be that as it may. Perusal of entire record clearly reveals that, the Petitioner has not produced any cogent evidence to legally infer that, he belongs to 'Vadar' caste. The only piece of evidence relied upon by the

Petitioner is the Caste Certificate of his distant relative. The Petitioner has failed to prove the affinity test or close affinity with Smt. Lalita Mane for reliance on her Caste Certificate. The various other documents relied upon by the Petitioner in support of his claim are of no assistance to him.

6.1) After taking into consideration the entire record, this Court is of the view that, the Respondent No.2 has not committed any error either in law or on facts, while passing the impugned Order dated 15th July 2024.

7) There are no merits in the Petition and is accordingly dismissed.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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