



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

WRIT PETITION NO.1068 of 2019

Anup s/o Ramesh Rao Bakde Vs. Vice Chairman, Schedule Tribe Caste Certificate
Scrutiny Committee, Nagpur and another

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. M.V.Bute, Advocate for petitioner.
Mr. I.J. Damle, AGP for respondent no.1.
Mr. K.P. Mahalle, Advocate for respondent no.2.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : JANUARY 13, 2025.

1. Heard.
2. The order impugned in the petition is an order dated 18th January, 2019 passed by the respondent-Scheduled Tribe Caste Certificate Scrutiny Committee.
3. The Committee negated the tribe claim on the ground that the petitioner does not belong to Halba but he belongs to Koshti, as the documents in relation to his blood relation of pre-independence era entries demonstrates the same.
4. Mr. Bute, learned counsel for the petitioner, while questioning the impugned order would urge that the documents in relation to the petitioner, his father, uncle and brother are that of Halba, which are incorrectly not considered by the respondent-Committee. First to substantiate the said contention, he has invited our attention to the School Leaving Certificate dated 31st December, 1965 viz. uncle of the petitioner-Ashok Bapurao Bakde and the subsequent document is in relation to father Ramesh dated 20th

July, 1988. In addition, his contentions are that the petitioner has satisfied the affinity test.

5. That being so, it is claimed that the order impugned needs to be set aside and the Committee be directed to issue validity in favour of the petitioner.

6. As against above, Mr. Damle, learned AGP appearing for the respondent no.1 and the Counsel appearing for the employer would support the order impugned.

7. We have considered the submissions.

8. During the Vigilance Cell Inquiry, the documents are collected wherein the caste of the father of the petitioner is shown as Koshti in document dated 1st July, 1955 viz. School Leaving Certificate and in the extract of Dakhal Kharij Register. Similarly, in regard to grandfather Bapurao the caste is recorded as Koshti in the birth extract dated 19th August, 1943. Similarly, in the School Leaving Certificate also of uncle Babarao dated 1st June, 1951 the caste is recorded as Koshti.

9. Apart from above, the other entries, which were collected during the Vigilance Cell Enquiry in relation to cousin uncle, paternal aunt and uncle of the petitioner in categorical terms speaks of Koshti entry from 1940 onwards. The petitioner was made available all these documents and called upon to submit an explanation. The petitioner was chosen to remain absent before the Committee on the issue of hearing on the Vigilance Cell Report.

10. All these documents, which are adverse entries of Koshti were duly made available to the petitioner and the petitioner has failed to discharge the burden provided under 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, thereby demonstrating that the petitioner belongs to Halba Scheduled Tribe and the aforesaid documents are not related to his blood relations so as to read adverse to the interest of the petitioner.

11. Apart from above, the Committee has also applied affinity test in the matter and has noted that the occupation and the language of the petitioner is not that of Halba Scheduled Tribe.

12. In this view of the matter, we hardly see any reason to cause interference in the impugned order. The petition as such fails and stands dismissed.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)