

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10678 OF 2017

Vijay Jaysing Bhoje
and antoher

... Petitioners.

Versus

State of Maharashtra,
and others

... Respondents.

....

Mr. Y.S. Jahagirdar, Senior Counsel a/w Mr. vishnu A. Madane for
the Petitioners.

Mr. N.C. Walimbe, AGP for Respondent Nos. 1, 2 and 4.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 17th November, 2017.

P.C. :

By this writ petition, the petitioners are challenging the order of the scrutiny committee dated 21.08.2017, invalidating the claim of the petitioners of belonging to 'Tokre Koli' scheduled tribe.

The petitioners who are real brothers, were appointed as Assistant teachers in the schools in Kolhapur district and their caste claim was referred to the respondent-scrutiny committee for verification. The scrutiny committee invalidated the claim of the petitioners by the impugned order dated 21.08.2017 that is challenged in the instant petition.

Mr. Jahagirdar, the learned senior counsel for the petitioners submitted that the scrutiny committee was not justified in rejecting the caste claim of the petitioners by holding that there was some

interpolation and overwriting in the entries of the years 1917, 1953 and 1958 in the caste column in the documents pertaining to the near relatives of the petitioner. It is submitted that since the vigilance cell has observed in its report that there was some overwriting in the five documents tendered by the petitioners in support of their caste claim, the scrutiny committee had served a notice on the petitioners to show cause in that regard and the petitioners had replied to the scrutiny committee that the petitioners cannot be held responsible for the alleged over writing in the said entries, as the old records were in possession of the Tahasildar and only the Tahasildar could make an appropriate statement in regard to the same. It is submitted that though a query was made to the Tahasildar, the scrutiny committee did not receive any reply. It is stated that in the aforesaid set of facts, the scrutiny committee ought not have rejected the caste claim of the petitioners by referring to the overwriting and interpolation in the five documents.

On hearing the learned counsel for the parties and on a perusal of the original record and proceedings tendered by the learned Assistant Government Pleader in the Court today, as also the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. We find that in most of the old documents of the pre-independence era, the caste of the near relatives of the petitioners was recorded as 'Hindu Koli' or 'Koli'. Only in the five documents in which the vigilance cell and the scrutiny committee had found some overwriting and interpolation, the caste of the

grandfather and the cousin grandfather of the petitioners was recorded as 'Tokre Koli'. The scrutiny committee, therefore, rightly rejected the documents in which the scrutiny committee found some overwriting and interpolation. We have perused the said documents in the original record and proceedings. We find that the word "Tokre" appears to have been subsequently inserted in the said documents. The scrutiny committee has rightly rejected the documents in which there was overwriting/interpolation and has invalidated the caste claim of the petitioners after finding that in the other old documents tendered by the petitioners, 'Tokre Koli' was not recorded in the caste column and caste 'Hindu Koli' or 'Koli' was recorded in the same. We find that the scrutiny committee has appreciated the material on record in the right perspective before invalidating the caste claim of the petitioners. The order of the scrutiny committee does not call for any interference in the circumstances of the case.

In the result, the writ petition fails and is dismissed with no order as to costs.

At this stage, the learned senior counsel for the petitioners seeks the continuation of the ad-interim relief granted by this Court on 06.10.2017 for a period of eight weeks. Since the petitioners are working as teachers, the prayer is granted. The ad-interim relief would operate only for a period of eight weeks. Order accordingly.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)