

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

WRIT PETITION NO.990 OF 2018

(SUNIL NILKANTHRAO TAPRE..VS..SCHEDULED TRIBE CASTE CERTIFICATE SCRUTINY
COMMITTEE & OTH.)

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

Court's or Judge's orders

Shri Mangesh V. Bute, Advocate for Petitioner.
Ms N.P.Mehta, Addl.G.P. for Respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND
ABHAY J. MANTRI, JJ.

DATED : JULY 09, 2024.

1. Heard.
2. The challenge is to the order dated 28/06/2016, whereby the petitioner's claim for 'Koli-Mahadev' (Scheduled Tribe) is invalidated.
3. It appears that the petitioner claimed to be belonging to 'Koli-Mahadev' based on the Caste Certificate issued to him.
4. After the documents were submitted by the petitioner, the matter was referred to Vigilance Cell for enquiry. The pre-constitutional era documents in relation to grandfather of the petitioner-Pandurang Raghuji Tapre, which are *Kotwal* Book of the years 1943 and 1946, speak of 'Koli' caste. Similarly, the petitioner's caste is also recorded as 'Koli' in the *Dakhal Kharij* Register in the year 1980.

5. The aforesaid entries were made available to the petitioner and his explanation was called. However, the petitioner was unable to explain the aforesaid adverse entries.

6. Since the aforesaid caste entries are in existence prior to the independence period, the same are having more evidentiary value.

7. In this background, the Scheduled Tribe Certificate Scrutiny Committee was justified in accepting the documents which were received through the Vigilance Cell. As the petitioner has failed to discharge his burden, as contemplated under Section 8 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 Act, 2000, the Committee, in our opinion, is justified in rejecting the claim of the petitioner.

8. That being so, no case for interference is made out. The Writ Petition stands **dismissed**. No order as to costs.

(ABHAY J. MANTRI,J)

(NITIN W.SAMBRE, J)

RRaut..