



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3364 OF 2007

Vikas s/o Ramchandra Rajulwar

..PETITIONER

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mr V.V. Bhavthankar, Advocate for the petitioner;
Mr K.G.Patil, AGP for respondents no.1 & 3;
Mr M.S. Deshmukh, Advocate for respondent no.2;
Mr V.G. Sakolkar, Advocate for respondent no.4.

CORAM : P.V. HARDAS AND

S.P. KUKDAY, JJ.

DATE : 9th January, 2008

PER COURT :

. This is a petition under Article 226 of the Constitution of India for invoking a writ of certiorari for quashing and setting aside the judgment and order passed by the respondent - Scrutiny Committee, dated 11.5.2007.

2. The claim of the petitioner as belonging to "Chhatri" Scheduled Tribe came to be referred to the respondent Scrutiny Committee for verification by the Maharashtra Udaygiri Mahavidyalaya, Udgir, Dist. Latur. In support of his claim the petitioner had tendered seven documents before the respondent Scrutiny Committee. The vigilance cell in its inquiry had unearthed two documents, namely the document showing the caste as

"Hindu" of one Satish Narayan Rajulwar and the school record pertaining to the petitioner dated 11.8.1979 in which the original entry was "Shimpi", which had been scored out and the word "Chhatri" had been written in a different ink. The Committee, after evaluating the documentary evidence tendered by the petitioner as well as taking into consideration the report of the vigilance cell and also the personal interview of the petitioner, came to the conclusion that the petitioner had utterly failed to establish and prove that he belonged to "Chhatri"- Scheduled Caste.

3. In support of the petition filed by the petitioner for challenging the order of the respondent Scrutiny Committee, Mr Bhavthankar, learned Counsel appearing on behalf of the petitioner has urged before us :-

- i. that document no.7 has not been considered by the respondent Scrutiny Committee and non consideration of the aforesaid document vitiates the findings recorded by the respondent Scrutiny Committee;
- ii. the petitioner could not place on record the genealogy as the petitioner was illiterate and

was not well versed in the procedure of the respondent Scrutiny Committee;

iii. The old record pertaining to the caste of the father of the petitioner was not available and in support of this the petitioner has filed letters to show that the old record had been destroyed.

. Mr M.S. Deshmukh, learned Counsel appearing on behalf of the respondent - Scrutiny Committee, while countering the submissions of the learned Counsel for the petitioner has urged before us that the respondent - Scrutiny Committee has taken into consideration all the documents filed by the petitioner as well as the various submissions urged by the petitioner before us. It is also urged before us that illiteracy or lack of knowledge cannot be a factor to over-come the defect of the petitioner not filing the genealogy for establishing the relationship in respect of the persons whose caste certificates had been tendered by the petitioner. It is also urged before us that the basic document of the petitioner relating to his caste clearly indicate that the words "Shimpi" had been scored and words "Chhatri" had been added in a different ink.

4. We have given our anxious consideration to the

submissions advanced before us by the learned Counsel for the petitioner and the learned Counsel for the respondents. Perusal of the judgment of respondent - Scrutiny Committee shows that the Scrutiny Committee has considered all the documents tendered by the petitioner and has also evaluated them. It is no doubt true that the respondent - Scrutiny Committee has observed that the documents submitted by the petitioner were of recent origin. What the respondent Scrutiny Committee means by saying is that these documents tendered by the petitioner pertain to a period after 1950 i.e. after the tribe was notified and, therefore, would not have that much evidentiary value as an "old" document. Nevertheless, the respondent has appreciated these documents. What we find from the perusal of the judgment of the respondent - Scrutiny Committee is that the basic document of the petitioner i.e. of the year 1979 relating to his caste clearly indicates that the caste "Shimpi" had been written and it had been scored out and the caste "Chhatri" had been added in a different ink. If this be the fact, according to us, the basic document of the petitioner itself militates against his claim as belonging to "Chhatri" - Scheduled Tribe.

5. We are examining the judgment and order of the respondent - Scrutiny Committee in the exercise of writ

of certiorari. In this behalf a reference may usefully be made to the judgment of Supreme Court in **Ranjeet Singh vs. Ravi Prakash**, (2004) 3 SCC 682. The Supreme court has clearly held that the High Court cannot act like an appellate Court and reappreciate or re-evaluate the evidence while exercising certiorari or supervisory jurisdiction. Only a patent error, which does not require establishment by lengthy and complicated arguments or by long-drawn process of reasoning is amenable to certiorari jurisdiction.

6. After giving our anxious consideration to the submissions advanced before us by the learned Counsel for the parties, according to us, we do not notice any perversity in the reasoning of the respondent - Scrutiny Committee nor have we noticed any patent error in the reasoning of the respondent - Scrutiny Committee to warrant any interference in the findings recorded by the respondent - Scrutiny Committee.

7. In the light of what has been stated above, according to us, no case for interference is made out and consequently this writ petition is dismissed summarily with no order as to costs.

[S.P. KUKDAY, J.]

[P.V.HARDAS, J.]

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