

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3420 OF 1999

Pramod S/o Dattatraya Poradwar,
Aged-19 years, Occu:Student/Education,
R/o-"Mayur Niwas", Sahyadri Nagar,
Taroda Budrug Road, Nanded-431 605.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The Committee for Scrutiny &
Verification of Tribe Claims
(Through its Member Secretary),
M.S. Nashik,
- 3) The Collector,
Nanded,
- 4) The Taluqa Executive Magistrate,
Biloli,
- 5) The Principal,
Shri Guru Gobind Singhji College of
Engineering and Technology,
Nanded.

...RESPONDENTS

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Mr.U.R. Awate Advocate h/f. Mr. S.B. Talekar
Advocate for Petitioner.
Mrs.Y.M. Kshirsagar, A.G.P. for Respondent
Nos.1, 3 and 4.
Mr.Pravin S. Patil Advocate for Respondent No.2.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 29TH APRIL, 2015

ORAL ORDER :

1. Mr. Awate, learned counsel appearing for the Petitioner submits that during pendency of this Petition, the father and real uncle of the Petitioner have been issued the validity certificate as belonging to "Mannerwarlu", Scheduled Tribe. The learned counsel submits that in present case also voluminous documents were filed on record. The school leaving certificate, so also the service book of the father of the Petitioner depicts the caste as "Mannerwarlu", Scheduled Tribe. The learned counsel submits that the Scrutiny Committee invalidated tribe claim of the Petitioner only on the vigilance report. As the father and real uncle of the Petitioner have been issued validity certificates, the Petitioner needs to be issued validity certificate.

2. Mr. Patil, the learned counsel for Scrutiny Committee states that it is not clear whether the factum of invalidation of tribe claim of the Petitioner was brought to the notice of the Scrutiny Committee while considering the validation proceedings in respect of father and uncle of the Petitioner. Only because father of the Petitioner has been issued validity certificate, it is not necessary that the Petitioner also required to be issued validity certificate. The evidence which is considered in the validation proceedings of the father of the Petitioner will have to be considered. Mr. Patil submits that the basic school record of the father of the Petitioner shows caste as "Munurwar".

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The Petitioner has placed on record certificate of validity issued in favour of his father on 6th June 2009. He has also placed on record certificate of validity issued in favour of uncle of the Petitioner on 23rd June 2011. Affidavit of the uncle of the Petitioner is placed on record. So also certificates of validity issued in favour of the cousins of the Petitioner are also placed on record.

5. The said certificates, as are subsequent in point of time, naturally were not before the Scrutiny Committee. It would be appropriate for the Scrutiny Committee to consider the evidence that was considered while issuing validity certificates in favour of father and uncle of the Petitioner and take decision in case of the Petitioner, afresh.

6. In light of above, we pass following order:

O R D E R

(A) Impugned order is quashed and set aside.

(B) The Petitioner is relegated before the Respondent No.2 Scrutiny Committee.

(C) The Petitioner shall appear before the Committee on 8th June 2015.

(D) The Petitioner is at liberty to place on record the validity certificates issued in favour of his father and uncle and other relatives.

(E) The Respondent No.2 - Scrutiny Committee shall consider the said validity certificates, the evidence and take decision in respect of the claim of the Petitioner, afresh, expeditiously, within

NINE MONTHS from the date of appearance of
Petitioner.

(F) Writ Petition is partly allowed,
accordingly. Rule accordingly made partly
absolute. No costs.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]