

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO.3254 OF 1999

Dr. Sudam s/o Yalanna Pupalwad,
Age 48 years, Occu. Medical Practitioner,
R/o Himayatnagar, District Nanded
for and on behalf of his minor daughter :
Miss Arti d/o Sudam Pupalwad,
Age 17 years, Occu. Student
R/o as above.

... PETITIONER

VERSUS

1. The State of Maharashtra
(Copy to be served on Government
Pleader, High Court of Judicature
of Bombay, Bench at Aurangabad)
2. The Committee for Scrutiny and
Verification of Tribe Claims
M.S., Nasik
3. The University of Health Sciences,
through its Registrar, Nasik
4. The Director of Engineering,
M.S., Mumbai
5. The Tahsildar & Taluqa Executive
Magistrate, Hadgaon, Dist. Nanded.... RESPONDENTS

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Shri S.B. Talekar, Advocate for petitioner
Shri V.D. Rakh, A.G.P. for State
Shri K.D. Bade Patil, Advocate for respondent No.2
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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 27th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Mr. Talekar, learned counsel for the petitioner states that, the Committee has not at all considered the documentary evidence on record while invalidating the tribe claim of the petitioner as belonging to Mannerwarlu – Scheduled Tribe. The learned counsel submits that the school record of the father and mother of the petitioner have not been properly appreciated by the Committee inasmuch as the entry of the school record which is in a short form, record the entry as **Mu.Wa**. The same can be read as Mumnerwarlu also. According to the learned counsel, the school record of the petitioner has not been considered. The school record of the petitioner categorically refers the caste of the petitioner as Mannerwarlu. According to the learned counsel, the parents of the petitioner are illiterate. The learned counsel submits that, the school record of the petitioner would play a pivotal role in determining the caste. The same has not been considered. Even the documents of the relatives of the petitioner are placed on record which have not been considered by the

Committee.

2. Mr. Bade Patil, learned counsel for the respondent Committee submits that the record of the father and mother of the petitioner shows the caste as Mannurwar. The same has been found by the Vigilance in the enquiry. Even the affinity and ethnic linkage could not be established by the petitioner and his father during the course of hearing.

3. We have considered the documents and the judgment. The Committee has observed that the school record of the father furnished by the petitioner does not show any reference to caste. However, the vigilance officer visited the school to verify and obtain the original school admission extract of the petitioner's mother and father and in the original school admission extract, the caste of the petitioner and his mother is recorded as Munnurwar and Munnurwad respectively. The petitioner would be getting his caste from his father. It has also been observed that the vigilance officer has enquired and it is revealed that the petitioner does not know about the trait and characteristics of Mannerwarlu – Scheduled Tribe. It has also been observed by the Committee that during the course of

personal hearing the petitioner's father could not establish any affinity and ethnic linkage with the Mannerwarlu – Scheduled Tribe.

4. In light of all the aforesaid facts, the Committee has taken a plausible view. In light of that, the Writ Petition is dismissed. Rule discharged. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)