

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2596 OF 2002

Ravindra S/o. Bapurao Pande, .. **PETITIONER/S**
Age-22 years, Occu-Nil,
R/o. Nerr, Tq. & Dist. Jalna.

Versus

1. The State of Maharashtra. .. **RESPONDENT/S**
2. The Committee for Scrutiny
& Verification of Tribe Claims
Aurangabad
3. The Tahasildar and Taluka Executive
Magistrate, Jalna.

Mr.U.R.Awate h/f Mr.S.B.Talekar, Advocate for the
petitioner.

Mrs.M.S.Patni, AGP for the respondent/State.

Mr.P.S.Patil, Advocate for respondent No.2.

**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATED : 07.07.2015

ORAL JUDGMENT : [PER: A.V. NIRGUDE, J.]

1. As per request made earlier, the learned counsel
for respondent No.2 has brought original record of
petitioner's case. We perused the record annexed to this
petition as well as the original record.

2. The petitioner came with a case that he is the first person to go to school in his family. He went to school in 1987, where his caste was recorded as 'Mannerwarlu' which is a Scheduled Tribe. No near relative of the petitioner has claimed and obtained validity certificate for belonging to a Scheduled Tribe. All documents produced on record by the petitioner for proving his tribe claim, are of recent origin. The Committee naturally expected the petitioner to come with old documents. Absence of old documents indicating that the petitioner's father, grand father, grand mother were as triabals i.e. 'Mannerwaralu', went against the petitioner's case. The second important aspect is affinity test. The Committee came to a conclusion that even the affinity test has not been proved. So the impugned order was passed.

3. The learned counsel for the petitioner asserted that petitioner is the first person of his family to get education. It is but naturally, he would not have older documents in respect of his father, grand father, grand mother, etc. He placed reliance on certain observations made by this Court in the Judgment of Vaijanath S/o. Janardhan Zunjkar V/s. Scrutiny Committee for Verification of Tribe Claims, Aurangabad and another, 2006(0)BCI Page-34. In this judgment, the Division

Bench of this Court, criticized the manner, in which the Committee examined the case. It is held in this judgment that if the petitioner came from illiterate family, the Committee should not expect old documents. Nonetheless, this judgment also observed that in case the documents are not forthcoming, importance of affinity test gets priority. We quite appreciate the fact that the petitioner did not belong to educated family. Nonetheless, affinity test of this particular tribe ought to have been satisfied by the petitioner.

4. The learned counsel for the petitioner then placed reliance on the judgment of Division Bench of this Court in the case of Mahesh Pralhadrao Lad Vs State of Maharashtra and others 2009(Supp)Bom C.R.Page 898. In this judgment, this Court held that there is no requirement either under the Act or under the rules or judgments of Supreme Court or of this Court that the documentary evidence either other than pre-constitution, pre-presentational notification, or State notification should be excluded from the consideration. There cannot be any quarrel about this proposition. In number of cases, documents may not be available and yet a person claiming to be belonging to a particular tribe or caste will be able to prove his case on the basis of other evidence. In other words, there are no hard and fast

rules for deciding a caste or tribe claim. The Committee which is comprised of experts are well trained to examine such claims. We are of the view that at least in this case the judgment of the Committee does not appear incorrect. The petitioner simply failed to produce convincing material in support of his claim. Because of this, he would fail in this petition also.

5. In view of this, the writ petition stands disposed of. Rule discharged.

[A.M. BADAR,J.]

[A.V. NIRGUDE,J.]