

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

WRIT PETITION NO.6104 OF 2006

Ku. Shweta d/o Kishanrao Apratwad
Age: 19 Yrs., occu. Education,
R/o Dharmabad, Tq. Dharmabad,
District Nanded.
Through Power of Attorney Holder,
Kishan s/o Iranna Apratwad,
Age: 50 Yrs., occu. Service,
R/o as above.

- PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
Tribal Development Deptt,
Mantralaya, Mumbai-32.
- 2) The Scheduled Tribe Caste
Certificate Verification
Committee, Aurangabad Divn.,
Aurangabad, through its
Deputy Director.
- 3) The Sub Divisional Officer,
Nanded District Nanded.

- RESPONDENTS

Mr.S.N.Vibhute, Advocate for Petitioner;
Mr.P.P.More, AGP for Respondent-State;
Mr.P.S.Patil, Advocate for Respondent No.2.

**CORAM : S.S.SHINDE &
P.R.BORA, JJ.**

DATE OF RESERVING JUDGMENT : 16th March, 2015.
DATE OF PRONOUNCING JUDGMENT 19th MARCH, 2015

JUDGMENT (PER:- P.R.BORA, J.)

- 1) Heard. Rule returnable forthwith with
the consent of learned Counsel for the respective

parties.

. Decision of Respondent No.2 - Caste Scrutiny Committee, Aurangabad delivered on 7th March, 2006, whereby it has invalidated tribe claim of the present petitioner, is questioned in the present writ petition.

2) The petitioner claims herself to be belonging to "Mannerwarlu", scheduled tribe. As is revealing from the order passed by the caste scrutiny committee, the committee has rejected the tribe claim of the petitioner mainly on the ground that the petitioner could not bring on record sufficient documentary evidence in support of her claim.

. Perusal of the impugned order also reveals that manipulation in the primary school record pertaining to father of the petitioner has much weighed in the minds of the members of the Committee in invalidating the tribe claim of the petitioner.

3) Learned Counsel appearing for the petitioner submitted that the finding recorded by

the Caste Scrutiny Committee as regards to the manipulation in primary school record in relation to father of the petitioner is unfounded and the documents placed on record do not support the said conclusion. The learned Counsel also invited our attention to the original record allegedly seen by the members of the Committee so as to point out the incorrectness in the conclusion drawn by the said Committee based on the said documents.

4) The learned Counsel appearing for the Caste Scrutiny Committee supported the impugned order. Learned Counsel submitted that opportunity was extended to the petitioner to explain the discrepancy in the School record pertaining to her father. However, the petitioner did not furnish any explanation on the Vigilance Cell report. The learned Counsel submitted that the school record apparently reveals that in the caste column, there was some interpolation and it was apparently revealed that the caste initially noted as "Mannerwar" was

subsequently changed and re-written as "Mannerwarlu". The learned Counsel further submitted that the manipulation so made was a sufficient reason for invalidating the tribe claim of the petitioner since an attempt was made to play fraud on the Caste Scrutiny Committee.

5) We have carefully considered the submissions advanced by learned Counsel for the parties. We have carefully perused the order passed by the Caste Scrutiny Committee and the documents placed on record. The original record is also made available for our perusal and we have perused the same.

6) The note, which is appearing endorsed on the original school record in regard to the alleged manipulation in the column of the caste, on inspection of the school record, reveals that there was some interpolation in the caste column and the earlier entry as regards the caste was completely erased and it was re-written as "Mannerwarlu". The endorsement so made nowhere indicates that the initial caste mentioned of

father of the petitioner in the school record was "Mannerwar" and the same was erased either by using a blade or an eraser and the words "Mannerwarlu" were over-written in the said column. In such circumstances, the conclusion, recorded by the Caste Scrutiny Committee that in the school record of father of the petitioner originally the caste "Mannerwar" was recorded , does not appear sustainable. What is evident from the record is, the fact only to the extent that the present caste recorded as "Mannerwarlu" is admittedly over-written after erasing the previous contents. However, it is difficult to draw an inference or to record a conclusion that the earlier caste recorded was "Mannerwar" for the reason that there is no such evidence to draw any such inference. Since this appears to be the main ground for rejecting the tribe claim of the petitioner, we deem it appropriate to remand the matter back to the Caste Scrutiny Committee.

7) In the result, the impugned order passed by the Caste Scrutiny Committee is set aside and

the matter is remanded back to the Committee with a direction to re-examine the aforesaid aspect by carrying out the close scrutiny of the relevant school record pertaining to father of the petitioner and if necessary, by examining the relevant witnesses. Needless to state that due opportunity will be provided to the present petitioner also to put forth her submissions. Such exercise shall be completed by the Caste Scrutiny Committee within a period of four months from the date of receipt of the writ of this Court. The writ petition is disposed of in the aforesaid terms with no order as to costs. Pending Civil Application, if any, stands disposed of.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/

fldr 17.3.15