

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4202 OF 2013

Vikas Prakash Pardeshi, Age 79 years,
Occupation Service, Resident of Plot
No.30, Hariom Colony, Dhule

Petitioner

V E R S U S

1 The State of Maharashtra

Respondents

2 The Scheduled Tribe Certificate,
Scrutiny Committee, Nandurbar Region,
Nandurbar

3 Bhabha Atomic Research Centre Tarapur
Complex, Post Ghivali, Boisar, District
Thane

Mr. Subodh P. Shah, Advocate for the petitioner
Mr.D.V. Tele, AGP for the respondent No.1/ State
Mr.A.B. Tele, Advocate for respondent No.2

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

DATE : 17TH JUNE, 2015

PER COURT :

1. This petition challenges order of Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Region, Nandurbar, dated 29th September, 2012, holding that the petitioner does not belong to a tribe by name 'Bhunjiya'. The petitioner's family has been residing

in Dhule district for last about 100 years, and yet the petitioner is a first person to make an application to get his tribe claim validated.

2. The question before the Committee was, whether the petitioner belonged to 'Bhunjiya, tribe. The strongest material in favour of the petitioner is that his grand-father in 1928 mentioned his caste as 'Pardeshi Bhunjiya' when he was getting admission in primary school. The petitioner's mother's side belonged to Sihour District [Madhya Pradesh]. These relatives of the petitioner appear to have been quite aware about their tribe claim. However, as per the rules, caste claim of relatives of maternal side are not relevant. With the result, the petitioner is left with documents and caste claim of his relatives on paternal side. Besides the documents mentioned above there virtually nothing on record to show that the petitioner or his family members are tribals. They are described as 'Pardeshi Bhunjiya', and elsewhere they are described as belonging to 'Other Backward Class'. The affinity test also failed probably because petitioner's family came away from their native place long-long back. So, there was possibility that the petitioner's family members forgot about their traits and characteristics. The Committee thus came to conclusion that the petitioner did not prove his case. From record, that is produced before us, we may hold that the petitioner's case is failing only because

there is no evidence on record. Learned counsel for the petitioner placed reliance on a Book, by name "महाराष्ट्रातील आदिवासी जमाती" written by Dr. Govind Gare, in which there is description of 'Bhunjiya' tribe. It says 'Bhunjiya' is a tribe in Maharashtra. It is mentioned that this tribe is found also in Orisa and Madhya Pradesh. The main characteristic of this tribe is that at the time of performance of wedding rites they used arrow embedded in soil in a peculiar manner.

3. Learned counsel for the petitioner also asserted that while examining the case, the members of committee placed undue reliance on report of Vigilance Cell. He asserted that the Committee members placed reliance on finding of the Vigilance Cell and did not consider this aspect independently. We do not agree with this submission. We perused the entire judgment of the Committee. We find that the Committee cannot be blamed that they did not apply their mind to facts and circumstances of the case.

4. Learned counsel for the petitioner also asserted that at number of places, the petitioner or his family members of paternal side were described as 'Bhunjiya'. However, merely using that word for describing caste, would not go to prove that the petitioner and his family members belonged to a tribe.

4. The petitioner tries to rely on statements of

his father and other relatives. They stated before Vigilance Cell Officer that they have similar custom in their community. Nonetheless we are unable to interfere in the well reasoned impugned order which is unwarranted. As said above, the case fails mainly because lack of evidence. In view of above, writ petition stands dismissed.

(A.M. BADAR, J.)

(A.V. NIRGUDE, J.)

SRM/15/6/15