

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7947 OF 2009

VIJAYKUMAR NAGNATHRAO TAMBOLI
VERSUS
THE SCHEDULED TRIBE CERTIFICATE VERIFICATION COMMITTEE AURANGABAD

...

Advocate for Petitioner : Mr. Sunil M. Vibhute.
Advocate for respondent : Mr. K. D. Bade Patil.

CORAM : A.V. NIRGUDE & A.M. BADAR, JJ.
DATE : 14th JULY, 2015.

PER COURT:

1] Heard.

2] The petition challenges the judgment and order dated 20th September, 2008 passed by the Tribe Certificate Validity Committee, Aurangabad, rejecting the petitioner's claim that he belonged to a Scheduled Tribe by name "Mannerwarlu". Admittedly, documents submitted in support of the claim are mostly of recent origin. Therefore, they were not accepted as proof. There are atleast 2 significant documents which are old. The first one is petitioner's father's School Leaving Certificate where the date of birth of petitioner's father is shown to 15th June, 1955. The date of taking admission in the school was shown as 11th June, 1962, but, the name of the caste/tribe mentioned therein is not Mannerwarlu. It is different. There is one more document on which the petitioner places reliance. It is a document scribed on a bond paper. The date of document is of 1347 Fasli. This document mentions the caste of great grandfather of the petitioner as

Mannerwarlu. The Committee rightly rejected the genuineness of this document saying that this was never registered document or used for any specific purpose.

3] Learned counsel for the petitioner asserted that though there is considerable material on record to indicate that the petitioner and his relatives had given information in support of their claim and to show affinity to the tribe, the same was rejected by the Committee in one line without giving any reason.

4] Affinity test is the comparison of available data with the information supplied by the petitioner and his family members. This is a specialized area and the Committee's finding on it cannot be doubted.

5] Learned counsel for the petitioner also asserted that there are two cases where caste validation certificates have been issued and those persons are related to the petitioner. The law on this subject is quite settled. If the certificates are issued to distant relatives, they are not quite important besides each claim is required to be decided on its own strength.

6] Petition, therefore, should fail. Same is dismissed.

[A.M. BADAR]
JUDGE

[A.V. NIRGUDE]
JUDGE.

grt/-