

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION No. 4593/2013.**

Ku. Rushali Shankar Sawasakade

**VERSUS**

Scheduled Tribe Certificate Scrutiny Committee, Nagpur and others.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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**CORAM : B.P. DHARMADHIKARI**  
**& A.P. BHANGALE, JJ.**

**DATED : JANUARY 12, 2015.**

Heard Shri P.P. Dhok, learned Counsel for the petitioner and Shri A.S. Fulzele, learned A.G.P. for respondent nos. 2 and 3. We have also heard Mrs. B.H. Dangre, who appears for respondent no.1. It is seen that writ petition is dismissed as against respondent no.1. With consent of parties, the writ petition is restored as against respondent no.1, and she is accordingly heard on merits.

Only contention is, oldest document produced on record by the petitioner i.e. birth extract

of a child born to petitioners great grand father – Dhondba on 27.03.1928 and a Sale deed dated 29.05.1920, ought to have been considered by the Scrutiny Committee. It is further urged that a validity certificate was given to one Dinesh Gajanan Sawsakade by the Scrutiny Committee on 08.12.2009 and that should have been looked into.

Mrs. B.H. Dangre, learned Counsel appearing for respondent no.1 Scrutiny Committee has pointed out that validity was given to Dinesh because of orders of the Hon'ble Apex Court in C.A.No. 5270/2004 and at that time, no vigilance enquiry was conducted. She submits that in order to find out whether Mana status claimed by a person, as Schedule Tribe, affinity test as also vigilance enquiry was essential and are used here.

Attention is invited to findings recorded by the Scrutiny Committee to show that caste of cousin grand-father Maroti Dhondba of petitioner was recorded as 'Kunbi' on 01.03.1934, and caste of real grand-father Sheshrao Dhondba Sawsakade was also recorded as 'Kunbi'. Both these documents before

1950, were pointed out to petitioner and he could not explain the same. She submits that thus, petitioner does not belong to Mana Scheduled tribe and he belongs to either 'Kunbi' or other similar caste. She also relies upon finding that affinity test was applied and those findings are in negative.

Learned A.G.P. for respondent nos. 2 and 3 supports argument of Mrs. Dangre.

The Scrutiny Committee has considered documents which show caste recorded as 'Kunbi'. Those documents are not in dispute before this Court. A sale deed in which after name of father, word 'mana' has been used, is being relied upon by the petitioner along with the birth extract dated 27.03.1928.

We find that the Scrutiny Committee has also applied affinity test and finding on it is against the petitioner. Validity certificate given to Dinesh was in view of the orders passed by the Hon'ble Supreme Court on C.A.No. 5270/2004, and therefore, without recording any finding on affinity or then the vigilance enquiry. Oldest documents militate with caste claim of petitioner.

Scrutiny Committee has thus considered entire material and findings recorded by it cannot be said to be erroneous or perverse. Writ Petition is, therefore, rejected. No costs.

JUDGE

JUDGE

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