

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6723 OF 2015

Akhilesh Ramesh Yadeo

-vs-

State of Maharashtra, thr.its Secretary, Tribal Development Department and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Mendhadkar & Mr.G.G.Mishra, counsel for the petitioner.
Mrs.Amit Balpande, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 14.12.2015.

Heard.

By this petition, the petitioner impugns the order of the Scheduled Tribe Certificate Scrutiny Committee, Nagpur, dated 05/03/2015, invalidating the claim of the petitioner of belonging to Mannewar scheduled tribe.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The petitioner had filed several documents of the recent origin before the Committee to prove his tribe claim. The Scrutiny Committee, however, unearthed four documents from the year 1950 to 1978 which showed that the caste of the real paternal uncle of the petitioner and the cousin brother of the petitioner was recorded as "Telang Yadao", "Telgu" and "Telgu (Gopal)". A copy of the vigilance report was served to the petitioner and the petitioner was asked to show cause. After receiving the show cause notice, the petitioner submitted his reply, which did not relate to the documents unearthed by the Scrutiny Committee relating to the near relatives of the petitioner. After giving a vague reply to the

show cause notice, the petitioner filed an affidavit sworn before the Notary, Nagpur on 14/08/2014, thereby withdrawing his tribe claim. It was clearly stated in the affidavit that the caste of the petitioner was "Telgu" but while admitting the petitioner in the school, his parents had wrongly recorded the caste of the petitioner as "Mannewar". It is mentioned in the affidavit that if the Caste Committee invalidates the tribe claim of the petitioner, the petitioner would have no objection. It is further stated that the caste certificate of the petitioner could be confiscated by the Committee. Relying on the affidavit of the petitioner as also the other documents, the Scrutiny Committee found that the petitioner does not belong to "Mannewar" scheduled tribe and belongs to "Telgu" caste. The Scrutiny Committee found that the petitioner had failed to prove his affinity to "Mannewar" scheduled tribe. The Scrutiny Committee also found from the documents unearthed by the Vigilance Cell that the claim of the petitioner to "Mannewar" scheduled tribe was not correct. The documents unearthed by the Scrutiny Committee were old as compared to the recent documents filed by the petitioner and the Scrutiny Committee, therefore, rightly gave more weightage to those documents. We do not find any error in the order of the of the Scrutiny Committee so as to interfere with the same, in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

An *ad interim* order was granted in favour of the petitioner at the Principal Seat only with a view to approach this Bench. In the circumstances of the case, the prayer for continuation of the *ad interim* order, is rejected.

Order accordingly.

JUDGE

JUDGE