

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1091 OF 2015

Sangeeta D/o Motilal Venkeshwar
Age: 40 years, occu: household
R/o House No.59, Opp. Natraj Hotel,
Railway Station, Aurangabad
Tq. & Dist. Aurangabad

Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through Its Member Secretary

Respondents

Mr.M.S.Deshmukh advocate for the petitioner
Mr.S.S.Dande, Assistant Government Pleader for Respondent

CORAM : ***R.M. BORDE &
A.I.S. CHEEMA, JJ***

Dated : 29th FEBRUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up
for final decision at admission stage.

3 The petitioner claims to belong to Manerwarlu, Scheduled Tribe (ST). The tribe certificate issued in favour of the petitioner on 24.7.1991 was referred to the scrutiny committee for verification. The scrutiny committee, in observance of the procedure, prescribed under law and after considering the report of Vigilance Cell, as well as on consideration of the issue of affinity of the petitioner with the concerned tribe and on perusal of the documentary evidence placed on record, came to the conclusion that, the petitioner has failed to substantiate her claim as belonging to Manerwarlu, ST and as such, by order dated 12.6.2003 directed invalidation of the tribe certificate issued in favour of the petitioner.

4 One of the reasons quoted in the order, directing invalidation of the tribe certificate is, with reference to certain documents listed at Sr. Nos.2, 3 and 9 which pertain to the candidate and her sister, wherein their caste is recorded as Manerwarlu. The committee has observed that, those documents are of recent origin i.e. of the years 1986, 1979 and as such, cannot form the basis for issuing validation certificate. The petitioner claims that, after demise of her mother, she could find out an old document in the form of a mortgage deed, registered at the office of Sub Registrar, Parbhani pertaining to the year

1356 fasli i.e. equivalent to year 1947. According to the petitioner, at Sr.No.32 of the document, name of her grandfather is recorded as Kahnayalal Chadariyya and his caste is recorded as Manerwaralu. The petitioner contends that, the said document being old one i.e. pertaining to the period prior to Constitutional Order, is relevant for consideration of claim of the petitioner. The petitioner approached to the Scrutiny Committee seeking review of the order. However, the committee refused to entertain the review application on the ground that, it is not within the powers of the committee to entertain the review application.

5 On perusal of the order passed by the Scrutiny Committee and on consideration of the additional document placed on record by the petitioner, we are of the opinion that, fresh enquiry needs to be conducted in the matter, as regards the claim of the petitioner. Although the petitioner is not in employment or is not pursuing studies, since the issue pertains to the status of an individual and an individual needs validation certificate for variety of purposes, the petitioner would be justified in insisting for reconsideration of her claim on the basis of old document. The committee would surely verify the old record through the Vigilance Cell or any other mode, while conducting fresh enquiry.

6 For the reasons recorded above, the writ petition is allowed. The order passed by the scrutiny committee, impugned in this petition, directing invalidation of the tribe certificate issued to the petitioner dated 12.6.2003, is quashed and set aside and the matter is remitted back to the scrutiny committee for reconsideration. The scrutiny committee shall reconsider the matter in the light of observations made in the Judgment and shall take appropriate decision in the matter as expeditiously as possible and preferably within a period of one year from the date of order.

7 Rule is accordingly made absolute.

8 There shall be no order as to costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)