

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

**WRIT PETITION NO.5102 OF 2002
WITH
CIVIL APPLICATION NO.4545 OF 2011
WITH
CIVIL APPLICATION NO.164 OF 2009.**

Subhash S/o Piraji Jukte
Age 31 years, Occ.Service,
R/o at and Post Lohgaon,
Tq. and Dist.Parbhani.
Presently working as "Line-
Helper" in MSEB,Sub-Division
Georai, Dist.Beed. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
General Administration
Department, Mantralaya,
Mumbai-32.
2. The Collector and Dist.
Magistrate, Parbhani.
3. The Sub-Divisional Officer
and Deputy Collector(Land Reforms),
Parbhani.
4. Maharashtra State Electricity
Board through its Executive
Engineer O and M Beed,
5. The Committee for Scrutiny
and Verification of Tribe Claims,
MS Aurangabad. ... Respondents.

...
Mr.U.R.Awate, advocate holding for
Mr.S.B.Talekar, advocate for the petitioner
Mr.P.S.Patil, Addl. Government Pleader for the
State.

...

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 09.12.2016.

PER COURT :

1. Heard.

2. Mr.Awate, learned counsel for the petitioner submits that the Scrutiny Committee while invalidating the tribe claim of the petitioner as belonging to *Mannerwarlu - Scheduled Tribe* has given a perverse finding. The Committee on the premise that the School record of the petitioner is manipulated and insertion has been made of the word "*lu*" has invalidated the tribe claim. The learned counsel relied on the Vigilance Report to submit that it is not the case of interpolation. The learned counsel submits that during the pendency of the present Writ Petition, two of the cousins of the petitioner have been issued validity certificates

as belonging to *Mannerwarlu - Scheduled Tribe*. Even there are other cousins whose school record also depict caste as *Mannerwarlu - Scheduled Tribe*. The learned counsel submits that in the column of caste as far as father's record is concerned, the same appears as Hindu, however, the same can not be said to be a contra evidence.

3. Mr.Patil, learned A.G.P. submits that no error has been committed by the Committee while invalidating the tribe claim of the petitioner. The petitioner could not prove affinity test. There is no corroborative evidence and even interpolation appears in the School record of the petitioner. Considering over-all facts of the case, the Committee has rightly invalidated the tribe claim of the petitioner.

4. We have considered the submissions canvassed by the learned counsel for respective parties, so also have gone through the documents, Judgment and the record.

5. The finding of the Committee about interpolation in the School record of the petitioner is not borne out from the report of the Vigilance. The Vigilance in its report has nowhere stated about interpolation in the School record of the petitioner. On the contrary, the Vigilance Report on verification has found the caste mentioned in the School record as "*Mannerwarlu*". The said entry is of the year 1977.

6. The petitioner during the pendency of this petition has filed copies of the validity certificates issued to one Jukate Vinod Shivaji and Jukate Yashwant Balasaheb. The same appears to have been issued in the years 2007 and 2008. We do not have the evidence on the basis of which the said validities have been issued nor the genealogy submitted along with affidavit could be verified. It is only the Vigilance who would verify the same.

7. Considering above, we pass the following order :

a) The impugned order is quashed and set aside. The parties are relegated before the Committee for deciding the claim of the petitioner as belonging to Mannerwarlu - Scheduled Tribe afresh. The parties shall appear before the Committee on 18.1.2017. The petitioner is entitled to file additional documents. The Committee shall after following due procedure and hearing the petitioner pass order afresh on its own merits expeditiously.

b) Rule made partly absolute. No costs.

c) The Civil Applications also stand disposed of.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

