

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

WRIT PETITION NO.257 OF 2016

Ku. Priya daughter of Rajendra Sarate

..vs..

The Scheduled Tribe/Scheduled Caste Certificate Scrutiny Committee, Nagpur, through its
Member Secretary, Giripeth, Nagpur and anr

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

Court's or Judge's Order

Shri Vikas Kulsange, counsel for the petitioner.
Shri N.R. Patil, AGP for R-1.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**

DATED : JULY 8, 2016.

Heard.

The caste claim of the petitioner as belonging to “Gond” Scheduled Tribe has been invalidated on merits as also due to fact that they are not native of the State of Maharashtra as on date of the Constitution of Scheduled Tribe Order, 1950.

We have heard learned counsel Shri Vikas Kulsange for the petitioner and learned Assistant Government Pleader Shri N.R. Patil for respondent No.1-Scrutiny Committee.

The date of birth of the petitioner is 23.5.1991. The date of birth of Rajendraprasad, the father of the petitioner is 5.6.1962. The date of birth of grandfather Dwarkaprasad is 9.11.1935. The petitioner is placing

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reliance upon an extract of Kotwal Book maintained by Sitabuldi Police Station. We find that said copy is given to the petitioner after his application No.3901 of 2016 sometime in the year January 2016. It shows that a child by name Dwarkaprasad is born to Kewalsingh s/o Mangna on 9.11.1935. In a column, thereafter, while mentioning total, name Kewalsingh has been mentioned with date 19.12.1935. The date on which the birth is reported is not mentioned in this document.

Apart from this, the Scrutiny Committee has, in paragraph Nos.11.5, 16, and 18, given other reasons for not accepting family tree and claim. As per family tree supplied by the petitioner, Kewalsingh is great-grandfather born on 8.5.1925. If said Kewalsingh is great-grandfather of the petitioner, he could not have given birth to Dwarkaprasad in 1935 itself. The Scrutiny Committee has noted in paragraph No.16(F) difference in names of his heirs which is gathered from records and as is disclosed by the petitioner. The petitioner has not explained all these anomalies by filing affidavits before the Scrutiny Committee or even before this Court.

The support is being taken before this Court for the first time of an extract of Kotwal Book obtained from Sitabuldi Police Station. We have already commented upon it *supra*.

We, therefore, find nothing wrong with the consideration of the Scrutiny Committee. The petitioner has failed to establish his family tree and as such the fact that he is native of the Maharashtra.

No case is, therefore, made out warranting interference. The writ petition is dismissed. No costs.

JUDGE

JUDGE

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