

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3532 OF 2002

Sheikh Pasha S/o. Sheikh Hussain,
Age: 23 Years, Occu.: Student/education,
R/o. : Shantiniketan Colony, Gangakhed Road,
Opposite to ST Workshop, Parbhani,
(At present studying in Government Polytechnic College,
Jintoor, Dist.: Parbhani.) .. **Petitioner**

Versus

1. The State of Maharashtra.
2. The Committee for Scrutiny &
Verification of Tribe Claims, Aurangabad,
Through its Member Secretary.
3. The Executive Magistrate,
Basmathnagar, Dist.: Hingoli.
4. The Principal,
Government Polytechnic,
Jintoor, Dist.: Parbhani. .. **Respondents**

Shri U. R. Aute h/f Shri S. B. Talekar, Advocate for the
Petitioner.

Shri P. S. Patil, A. G. P. for Respondents.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 7th September, 2017

ORAL ORDER (PER S. V. GANGAPURWALA, J.):

1. The tribe claim of the petitioner as belonging to 'Raj' Scheduled Tribe was referred to the committee for verification. The respondent No. 2 – committee, invalidated the tribe claim of the petitioner, aggrieved thereby the present petition.

2. Mr. Aute, the learned counsel for the petitioner submits that the petitioner has submitted voluminous documents to show that the petitioner belongs to 'Raj' Scheduled Tribe. The learned counsel submits that, though, initially the school record of the petitioner mentioned caste as 'Atar', subsequently under the orders of the Education Officer it was corrected as 'Raj'. The learned counsel submits that in the school record of the father of the petitioner the caste is recorded as 'Muslim'. The grandparents of the petitioner were illiterate, as such, they did not know the importance of recording the caste in the school record. Moreover, the caste recorded as 'Muslim' is not a contra evidence, 'Muslim' is a religion. In the school record of the petitioner the caste is recorded as 'Raj'. Even, in the first page of the service book of the petitioner's father the caste is recorded as 'Raj'. The vigilance has also conducted an enquiry. The home enquiry conducted supports the petitioner. The committee has committed an error in ignoring all these documents.

3. Mr. Patil, the learned A. G. P. submits that the school record of the petitioner consistently depicts caste as 'Atar'. On

the basis of representation of the petitioner same is subsequently corrected as 'Raj'. There are no documents substantiating the case of the petitioner. The claim of the father of the petitioner was never referred to the committee for validation. The tribe certificates are obtained on the basis of their affidavits. The committee has considered all these aspects. The petitioner also failed to prove his affinity and ethnic linkage towards 'Raj' Scheduled Tribe.

4. We have considered the submissions canvassed by the learned counsel for respective parties. We have also gone through the judgment of the committee and the documents.

5. The school record of the petitioner of Bal Vidya Mandir, records caste as 'Atar'. The school record of the father of the petitioner also does not record the caste as 'Raj'. The entry in the first page of the service book of the father of the petitioner is on his own representation. The tribe claim of the father of the petitioner was never referred to the committee for verification. The school record of the petitioner and his relative also shows the caste recorded as 'Atar'. It has also been observed by the committee that the petitioner has failed to prove his affinity and ethnic linkage towards 'Raj' Scheduled Tribe and could not prove the traits of 'Raj' Scheduled Tribe. There are no documents produced by the petitioner which would have high probative value.

6. Considering all the aforesaid facts, we do not find any error committed by the committee in passing the impugned order.

7. The writ petition as such is dismissed. Rule discharged.
No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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