

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

WRIT PETITION NO.5713 OF 2011

Santosh Ganpatrao Wadje ..Petitioner

Vs.

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Member Secretary ..Respondent

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Mr.M.S.Deshmukh, Advocate i/b. Mr.Sagar Phatale,
Advocate for petitioner

Mr.P.S.Patil, AGP for State

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 20, 2017

ORDER :

Heard.

2. The petitioner assails the judgment and order dated 20.05.1998 passed by the Scrutiny Committee thereby invalidating the tribe claim of the petitioner that he belongs to 'Koli Mahadev', scheduled tribe.

3. Mr.Deshmukh, learned Counsel appearing for the petitioner, submits that the petitioner was unaware of the judgment passed by the Committee. After the vigilance enquiry was conducted, notice was issued to the petitioner for the hearing scheduled on 24.03.1998. On the said date, the petitioner and his father were interviewed. On 30.03.1998, the petitioner filed reply to the vigilance report and thereafter, the petitioner was never called for hearing.

4. The learned Counsel for the petitioner further submits that prior to pronouncement of the judgment, there should have been hearing. He submits that the school record of the petitioner shows that the tribe of the petitioner was recorded as 'Koli Mahadev'. The school record of the father of the petitioner also mentions the tribe as 'Koli Mahadev'. The said certificate was also filed on record. The said entry made prior to year 1950 will have more evidentiary value. According to the

learned Counsel, the Research Officer was also not the part of the Vigilance Cell and on that count also, the impugned judgment and order is bad in law.

5. The learned AGP submits that the school record of the petitioner's father shows the tribe was mentioned as 'Koli' and not 'Mahadev Koli'. The Committee has considered the traits and other documents so also the vigilance report and has arrived at a correct conclusion.

6. We have considered the submissions canvassed by the learned Counsel for the respective parties. We have also gone through the impugned judgment passed by the Committee and the original record before the Committee.

7. It appears that the Vigilance Cell had visited the school of the petitioner's father and obtained the extract of the school register. The Head Mistress of the said school had given copy of

the extract. The entry made in the school record of the father of the petitioner with regard to his tribe, is 'Koli' and not 'Koli Mahadev'. The Vigilance Cell also, in its report, stated about the said fact. A copy of the extract of the school record is also produced.

8. The old evidence prior to 1950 naturally will have more probative value. Except the school record of the father of the petitioner, there is no other record. The school record of the petitioner's father goes against the case of the petitioner.

9. In view of the above, in our view, the Committee has not committed any error. The Writ Petition, therefore, stands dismissed. No costs.

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