

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

WRIT PETITION NO. 5396 OF 2007

Manoj S/o Keshwaroji Gumre .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. C. Bhagure, Advocate for Petitioner – absent.
Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 15TH OCTOBER, 2018.

FINAL ORDER :

. The caste claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) was referred to the Scrutiny Committee for verification. The Scrutiny Committee invalidated the tribe claim of the petitioner. Aggrieved thereby present petition.

2. We have gone through the judgment delivered by the Committee. The petitioner claims that he belongs to 'Mannervarlu' (S.T.). In case of S. T. it is necessary for the committee to conduct affinity test. Perusal of the judgment delivered by the Committee, it transpires that the Committee

has not conducted affinity test and without conducting affinity test has invalidated the tribe claim of the petitioner. Such a recourse is not permissible. Affinity test has to be conducted.

3. Considering the above, the impugned judgment and order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 02nd November, 2018. The Committee shall conduct the affinity test and thereafter decide the tribe claim after hearing the petitioner on its own merits, expeditiously and preferably within a period of six (06) months from the date of appearance. The writ petition is partly allowed with above said observations. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 18