IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9377 OF 2018

Maheshkumar Narsingrao Bonlawar .. Petitioner

Versus

The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad
Through Member Secretary and others .. Respondents

Shri Anand V. Indrale Patil, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Sanjaykumar B. Bhosale, Advocate for the Respondent No. 4.

CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALE, JJ.
DATE : 14TH JANUARY, 2019.

FINAL ORDER :

. The tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) is invalidated.

2. We have heard Mr. A. V. Patil, learned advocate for the petitioner and Mr. P. S. Patil, the learned Additional Government Pleader for respondents/State.

3. After having heard the learned counsel for respective parties, it appears that the petitioner is relying on the validities

granted in favour of Balaji Gangaram Bonlawar, Suresh Vithalrao Bonlawar and Sachin Bhimrao.

4. It appears that, the vigilance had not verified the relationship of these validity holders. In fact, the petitioner relied on the validities at the time of final hearing of the claim from his paternal side. So also the petitioner has to prove the relationship. Reference to Sec. 50 of the Evidence Act can be resorted to.

5. The genealogy as submitted by the petitioner on record does not disclose the names of these validity holders given during the course of final hearing. The genealogy given by the petitioner did not name all these validity holders.

6. Be that as it may, it was necessary for the committee to get the relationship verified through vigilance, as reliance is placed on these validity certificates or ought to have satisfied about the relationship. In absence thereof it would be unsafe to rely on these validities.

7. In the light of the above, we set aside the judgment of the committee and remit the matter to the Committee. The petitioner shall appear before the Committee on 04.02.2019. The Committee shall get the relationship verified or the petitioner

may prove the relationship of the validity holders before the Committee. The Committee shall thereafter take the decision afresh. The committee shall also go through the record of these validity holders and the evidence considered therein, so also consider the record of paternal aunt and decide the same on its own merits, expeditious and preferably within a period of three (03) months from the date of appearance of the petitioner.

8. Till the Committee decides the proceedings, the admission of the petitioner shall not be disturbed.

9. In the light of the above, writ petition is disposed of. No costs.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Jan. 19