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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3571 OF 2016

Mr. Sunil Pandurang Marbhal ..Petitioner

Versus

The Committee for Scrutiny and
Verification of Tribe Claims, Maharashtra
at Nashik and another ..Respondents

Mr. U. P. Warunjikar a/w Mr. Sumit Kate, Advocate for the Petitioner.
Mr. N. K. Rajpurohit, AGP for Respondent No.1.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 31st JANUARY, 2019

P.C.:-

1] Petitioner has approached this Court, contending in the Petition that Respondent No.2 does not belong to Scheduled Tribe. He submits that there are two different certificates issued in the name of Respondent No.2; one is dated 17/4/2004 and the other is dated 16/04/2004. It is therefore submitted that claim of Respondent No.2 is under a great shadow of doubt and therefore inquiry needs to be conducted in the matter.

2] Fortunately, Petitioner has also chosen to place on record the Vigilance Cell Inquiry Report. Perusal of the said report would reveal that Respondent No.2 has relied on three certificates. Respondent No.2 was admitted in the School in the year 1992 and entry with regard to his Caste is “Hindu Scheduled Tribe Thakur”. Presumably, after Presidential Order, since the Caste “Thakur” is notified as Scheduled Tribe, Respondent No.2 or his parents might have entered the entry as “Scheduled Tribe Thakur”. However, in view of the Judgment of the Hon'ble Apex Court in the case of *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Others*¹, it is the pre-constitutional document which will have more probative value. Respondent No.2's father Pitambar Shankar Thakur was admitted in the School on 5/3/1952 as could be seen from his School Leaving Certificate wherein his Caste was shown as “Thakur”. As could be seen from the School Leaving Certificate of Respondent No.2's grandfather viz Shankar Geerdhar Thakur, he was admitted in the School on 11/08/1920 and his Caste was shown as “Thakur”. Not only that, Respondent No.2's real sister viz Rupali Pitambar Thakur had already been held to be belonging to Scheduled Tribe. In these

¹ (2012) 1 SCC 113

circumstances, we do not find that it can be said that there is a shadow of doubt on the claim of Respondent No.2.

3] Insofar as two certificates on which the Petitioner relies are concerned, perusal of the same would reveal that though the outward number on both the certificates are same and contents of both the certificates are also word to word same, in one certificate the date is shown as 16/04/2004 and in the other it is shown as 17/04/2004. It has to be noted that where rest of the certificate is typed, only the date has been inserted in ink. It could be quite possible that issuing clerk has committed some mistake while giving copies to the Petitioner when the same were demanded by him under the Right to Information Act.

4] We therefore do not find that any case is made out for interference. Petition is rejected.

(N. J. JAMADAR, J.)

(B. R. GAVAI, J.)