

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

982 WRIT PETITION NO. 1059 OF 2022

SATYANARAYAN LAXMANRAO ANDELWAR
VERSUS
THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE
THROUGH ITS MEMEBR SECRETARY

...
Advocate for Petitioner : Mr. Ajay S. Deshpande
AGP for Respondent: Mr. S.P. Tiwari

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 27th JANUARY, 2022

PER COURT :-

1. The caste claim of the petitioner as belonging to “Mannervarlu” is invalidated.
2. The learned counsel for the petitioner submits that caste claim of the petitioner is invalidated basically on the ground that earlier the caste claim of one real brother and real sister was invalidated and the same was suppressed by the petitioner. The learned counsel for the petitioner submits that when the caste claim of real brother of the petitioner was invalidated, the petitioner was not even born and caste claim of one sister Savita was invalidated in the year 1997, the petitioner was two years old. The petitioner has lost his father in the year 2005. If opportunity would have given to the petitioner, the petitioner could have explained the said fact, however, the Committee failed to consider that subsequently two real sisters of petitioner, namely Jyoti and Saraswati are issued with validity certificates after conducting vigilance. The said issue is not considered by the Committee. The learned counsel for petitioner submits that even old Pahani Patrak of the year 1353 Fasli was placed on record, therein against name of ancestors of the petitioner

caste was recorded as Mannerwarlu. The Committee has concluded that the same is forged document on the basis of letter of the Tahsildar that said document is not traceable and therefore the conclusion has been drawn by the Committee on assumption. The petitioner has placed certified copy of the same before it, which is obtained in the year 2018.

3. The learned AGP for respondent- State submits that invalidation of the caste claim of the real brother of the petitioner is even upheld by the Judgment of this Court and in the Supreme Court. The SLP was withdrawn. According to learned AGP, consistent contra entries are there. The validities are obtained by suppressing invalidation of Shriniwas and Savita.

4. The contention of the petitioner it appears is that petitioner was not aware about the invalidation of his real brother Shriniwas and Savita.

5. The document of Pahani patrak of 1353 Fasli equivalent to 1943 if it is genuine, the same will have more probative value being pre-constitutional document. However, genuineness of the same will have to be considered by the Committee. Considering the matter pertains to social status of the family of the petitioner, we give one more opportunity to the petitioner. In the result, we pass the following order:

ORDER

- (i) The impugned order is set aside. The parties are relegated before the Committee.
- (ii) The petitioner shall appear before the Committee on 31st January, 2022 and may putforth his stand with regard to invalidation of the caste claim of real brother Shriniwas and real sister Savita so also may

place on record the fresh certified copy of Pahani Patrak of 1353 Fasli relied upon by the petitioner.

- (iii) If petitioner places on record the fresh certified copy of the Pahani Patrak obtained from the competent authority then the Committee may direct the vigilance in respect of the said document afresh.
- (iv) Considering that the petitioner is seeking admission to postgraduate course the Committee may, if possible, endeavour to decide the proceeding by 7th February, 2022.

6. Writ Petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE