

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 4874 / 2022

Mrudula d/o Shankarrao Surbulwad,
Age 24 years, Occu. Student,
R/o. Chowk Galli, Umri, Tq. Umri,
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Medical Education Department,
Mantralaya, Mumbai - 32.
2. The Director of Medical Education,
Saint John Hospital Campus,
Mumbai - 32.
3. Maharashtra University of Health Science,
Through its Registrar,
Dindori Road, Mharsul,
Nashik, Dist. Nasik.
4. The Dean,
Government Medical College,
Latur.
5. Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad.
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad.
Through its Deputy Director (Research)
and Member Secretary.

...Respondents

— — —

Senior Advcoate Mr. V.D. Sapkal i/by Mr. C.R. Thorat,
Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1, 2, 4 and 5.

Mr. K. M. Suryawanshi, Advocate for Respondent No.3

— — —

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

RESERVED ON : 23 JUNE, 2023.

PRONOUNCED ON : 30 JUNE, 2023.

ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard. Learned Counsel for the parties. Perused the original record produced by the learned AGP.

1. The petitioner is challenging the judgment and order dated 21.04.2022 passed by the respondent no.2/Committee invaliditing her claim of scheduled tribe 'Mannervarlu'. As the petitioner wants to take higher education, the matter is taken up for final disposal.

2. The petitioner has produced on record the entries of school register of herself, her father and grand-father. She also produced on record the entries of other relatives. Petitioner harped upon old entry recorded in

the name of her grand-father Limbaji, which was of 1956. It was entry of the school register. It was her contention that all the entries were consistently referring to scheduled tribe 'Mannervarlu'.

3. It was also pointed out by learned Counsel for the petitioner that a reply was filed to the vigilance enquiry report. Another reply was also filed by the petitioner. They were also referred to during the course of arguments.

4. The learned Counsel argued that there was voluminous evidence produced on record to buttress the claim. The findings recorded by the Scrutiny Committee that the affinity test did not support her claim is perverse. The inference drawn by the Committee on the basis of various entries recorded in the name of petitioner her father, uncle, cousin sister, were not properly appreciated. It was further argued that the said record could not have been discarded by the Committee.

5. The learned Counsel assailed the finding recorded by

the Committee to point no. 1 on running page no. 49 and 50 of the compilation especially clause no. C, D and E. The Committee took into consideration irrelevant record. The revenue record which was taken into account was not of the blood relatives of the petitioner. No proper enquiry was made to verify the relationship and the findings are absurd. It was further argued that the findings recorded in respect of the school record of the persons disclosing caste 'Manurwad or Munurwad, are based upon irrelevant considerations and without any factual verification.

6. The learned Counsel further assailed the findings regarding the place of residence. Lastly, it was argued that the order of invalidation was perverse and based upon irrelevant considerations.

7. The learned Counsel for the petitioner also relied upon following judgments.

- (i) Sayanna Vs. State of Maharashtra and Ors.
- (ii) Jaywant Dilip Pawar Vs. State of Maharashtra and Others.

(iii) Limbaji Poshetti Kaypalwad and Others Vs. The State of Maharashtra and Another

(iv) Saikiran S/o Sambhaji Mantewad Vs. The State of Maharashtra and Ors.

8. In the present matter we noticed false and bogus document on record to support caste claim. Even if the principles laid down in judgment of Limbaji Poshetti Kaypalwad and Others (supra) and Saikiran S/o Sambhaji Mantewad (supra) are made applicable the case of petitioner falls short. The same is the case with the ratio laid down in Jaywant Dilip Pawar (supra).

9. Even if the findings recorded by the Committee in respect of entries of few persons without ascertaining exact relations with the petitioner are discarded, still the petitioner cannot succeed.

10. So far as reliance upon the judgment in the case of Sayanna (supra) is concerned, it was relied for the interpolation of the record and the precaution to be taken by the Committee. The present case is not that of

the interpolation but a substitution of a page in the school record which is mischief of a serious nature. It cannot be said that the findings recorded by the Committee were based upon the irrelevant consideration or non-consideration of relevant factors. Therefore, the said judgment does not help the petitioner.

11. The learned AGP pointed out the original record. We perused the original record of entry of 1956 of Limbaji upon which great reliance has been placed being oldest entry. The Scrutiny Committee has already recorded its findings discarding the entry and expressing serious doubts. Therefore, independently we carefully perused the said entry with the assistance of learned AGP.

12. It is transpired that the coloured photocopy of the entry is on the ruled paper purported to be the school registrar. We have our own reservation regarding availability of the paper in the year 1966 or even before that. The page is followed by two further pages of the register. Rest of two pages are not on a

ruled paper. They depict altogether different pattern and inconsistent with the page bearing the relevant entry. The columns and their titles of the page of the relevant entry and those of the subsequent pages are inconsistent. We have serious doubts regarding the entry of Limbaji in question. The backside of the page bearing the entry is also on the ruled paper.

13. Considering the photocopy of the relevant entry and other pages of the same register, we are of the opinion that the page which bears the relevant entry is designedly inserted so as to appear as a part of the school register. The inference drawn by the Scrutiny Committee to doubt and discard this record cannot be said to be perverse.

14. Considering the original record stated above, we do not find any illegality in the findings recorded by the Committee in respect of entry of Limbaji. The petitioner's case is founded on suspicious and forged

document. We are not therefore inclined to exercise writ jurisdiction under Article 226 for the dishonest petitioner.

15. The learned Counsel for the petitioner drew our attention to the reply filed by the petitioner to the Vigilance Cell report explaining certain aspects of the matter. We are not prepared to accept the contentions of the petitioner because once the vital entry was found to be false and bogus, we are slow in exercising our powers under Article 226.

16. While examining the matter we are not supposed to exercise appellate jurisdiction. The findings recorded by the Scrutiny Committee are not perverse or arbitrary. The findings recorded by the committee in respect of various entries of the relatives of the petitioner, school record, old record are based upon reasonable appreciation of the material on record. Those are plausible findings which cannot be interfered with in

the writ jurisdiction. We therefore are of considerate opinion that the petition fails. Hence the writ petition is dismissed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]