



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1706 OF 2024

Shridatta s/o Shivaji Pawade
Age: 19 years, Occu.: Education,
R/o. Satya Narayan Nagar
Kasar Galli, Hingoli,
Taluka and District Hingoli.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through the Secretary
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Hingoli,
Division Hingoli,
Through its Member Secretary.

.. RESPONDENTS

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Mr. A. S. More, Advocate for the petitioner.
Mr. S. P. Johsi, AGP for respondent Nos.1 and 2 – State.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 12th MARCH, 2024.

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Present writ petition has been filed for quashing and setting aside the judgment and order dated 29.08.2023 passed by respondent No.2 Scrutiny Committee.

2. Heard learned Advocate Mr. A. S. More for the petitioner and learned AGP Mr. S. P. Joshi for respondent Nos.1 and 2 – State, at the stage of admission.

3. The petitioner is a student pursuing in 12th standard. He states that he belongs to *Pangul*, Nomadic Tribe-B. His tribe claim was submitted to respondent No.2 for validity. After the vigilance cell had conducted the inquiry and hearing, the scrutiny committee had served the copy of the report on him and it appears that thereafter also the matter was kept for hearing and opportunity was given to the petitioner to make submissions, however, it was told that the petitioner does not want to say anything than the documents, which have been already produced. At the outset, from the impugned judgment it can be seen that in all nine documents were produced, two of which had contra entries and in spite of giving an opportunity to the petitioner, it appears that those contra entries have not been explained. The oldest document appears to be the school record of the father of the petitioner. It is dated 25.09.1982, in which the caste has been mentioned as *Gavali* and not as claimed by the petitioner. The second contra entry document is in respect of the real uncle of the petitioner and it is dated 05.07.1999, which is a school record, wherein the caste is mentioned as Maratha (*Pangul*). No doubt, his cousin uncle's school record dated 13.06.19994 shows the caste as

Pangul, but as aforesaid, the father's school record shows the caste as *Gavali*. The learned Advocate for the petitioner accepted that validity of Umesh Shriram Pawade issued on 09.09.2010 was relied by the petitioner, but it is to be noted that name of said Umesh is not appearing in the genealogy that has been given. Even along with this petition, no document is produced to show that said Umesh is related to the petitioner. Affidavit of said Umesh is not produced. It has been stated by respondent No.2 that caste/tribe *Pangul* came to be included in the list on 21.11.1961, however, there is absolutely no document produced by the petitioner to show that any of the relatives had documentary proof to show that they belong to *Pangul*, Nomadic Tribe.

4. Learned Advocate for the petitioner relied on the decision of this Court in **Mahesh Pralhadrao Lad Vs. State of Maharashtra and others, [2008 SCC OnLine Bom.675]**, wherein it has been observed that :-

"For documents which have come into existence subsequent to the Presidential notification and their evidentiary value, we may gainfully refer to the judgment of the Supreme Court in *Gayatrilaxmi Baburao Nagpure Vs. State of Maharashtra, 1996 (2) Mh.L.J. (SC) 402; (1996) 3 SCC 685*. In that case what was under consideration were documents of Halba Scheduled Tribe. The documents were of recent origin and not pre-presidential notification. The Supreme Court noted that the Committee failed to

consider all the relevant materials placed before it and did not apply its mind to the important document there which was a document in respect of one Abinash Prabhakar Nagpure verifying his caste claim. This judgment was considered by this Court in *Prabhu Narayan Survase Vs. State of Maharashtra, 2004 (4) ALL M.R. 815* where this Court in no uncertain terms set out that it was not open to the Committee to reject the documentary evidence on the ground that it is of recent origin. This judgment has followed by another Division Bench of this Court in *Surajsingh s/o Jaisingh Maher Vs. The State of Maharashtra, Writ Petition No.4589 of 2003* decided on 13th November, 2003."

5. Here, the rejection is not only on the basis of documents are of a recent origin, but the petitioner has not explained the contra entries, one of which is the oldest document and it pertains to the school record of his father and another is of his real uncle. When the opportunity was given, yet no explanation is given. Petitioner cannot say that on the basis of other documents, the validity ought to have been given.

6. Learned Advocate for the petitioner has tried to rely on the vigilance cell report and the statements recorded by the vigilance cell. In absence of explanation to the contra entries, only vigilance cell report cannot be relied. Therefore, we are of the opinion that no case is made out to interfere in the decision by respondent No.2. No case

is made out to exercise the constitutional powers of this Court. The Writ Petition therefore stands dismissed.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm