



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6283 OF 2021

Shubham Sham Karnalu,
Age:- 20 years, Occu. Student,
R/o. Kailasnagar, Smashan Maroti Road,
Aurangabad, Tq. & Dist. Aurangabad. ..Petitioner

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
Through its Deputy Director. (R). ..Respondents

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Mr. Pratap V. Jadhavar, Advocate for the Petitioner.
Mr. P. S. Patil, Addl. GP for Respondent Nos.1 and 2.

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

JUDGMENT RESERVED ON :- 20th FEBRUARY 2024.

JUDGMENT PRONOUNCED ON :- 19th MARCH 2024.

JUDGMENT (Per: S. G. Chapalgaonkar, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, matter is taken up for final hearing at the stage of admission.

2. The petitioner approaches this Court impugning the order dated 21.09.2020 passed by responded no.2-Scheduled Tribe Certificate Scrutiny Committee, Aurangabad thereby invalidating the claim of the petitioner as belonging to 'Mannewar' Scheduled Tribe.

3. Mr. Jadhavar, learned Advocate appearing for the petitioner submits that the petitioner belongs to the 'Mannewar' Scheduled Tribe. While he was taking education in 12th standard, his tribe claim was forwarded to the Scrutiny Committee for verification alongwith documents like school leaving certificate, school admission extract, birth extract, tribe certificate and genealogy supported by affidavit. The Committee had referred the claim of the petitioner for vigilance enquiry. On receipt of the report, the petitioner was served with the copy. The petitioner explained the adverse remarks. The petitioner supported his claim by various documents, which includes the school entry record dated 23.06.1976 of cousin grandfather, namely, Ramesh Babulal Karnalu. His caste is recorded as 'Hindu-Mannewar'. His service book also depicts his caste as 'Mannewar'. The petitioner has also filed many documents pertaining to the school admission and birth record of blood relatives, wherein caste is recorded as 'Mannewar'. It is submitted that the petitioner is first person from his blood relation, who applied for caste validity.

4. Mr. Jadhavar, learned Advocate would further submit that the Committee has erroneously relied entry as 'Telgu' appearing in the record of the blood relatives, which is not the caste, but refers to the language. Mr. Jadhavar, learned Advocate would place his reliance on the observations of this Court in the matter of ***Sejal d/o. Deepak Mytrekar Vs. The State of Maharashtra and Others, Writ Petition No.10379/2017*** decided on **04.10.2017** at Principal Seat. He would, therefore, submit that the order of the Committee be quashed and set aside and directions be given to the Committee to issue validity certificate in favour of the petitioner.

5. Mr. Patil, learned Addl. G.P. appearing for respondent nos.1 and 2 supports the order. He would submit that there is voluminous

evidence on record, which depicts that the caste of the blood relatives of the petitioner is recorded as 'Telgu/Tel' in old school / revenue record. He submits that 'Telgu/Telangi' is a caste. He invites attention of this Court to the school record of cousin grandfather of the petitioner, which records caste as 'Tel' in the year 1968. He would submit that 'Telangi' is caste, which is recognized as Nomadic Tribes (C) at Serial No.29(10) of the Order of the Constitution of India. Similarly, 'Telanga/Telangi' are sub-castes of 'Beldar' or 'Dhangar'. As such, the Committee has rightly appreciated the adverse entries. Mr. Patil would further invite attention of this Court to the vigilance enquiry report and the affinity test by the Research Officer, which depicts that the petitioner failed to show the affinity with 'Mannewar', Scheduled Tribe.

6. We have considered submissions advanced by the learned Advocate appearing for the respective parties. We have gone through the documents tendered alongwith the petition as well as original record of the Scrutiny Committee. Apparently, the petitioner does not rely the validity certificate granted in favour of any of his blood relative. However, emphasis is placed on the school admission extract of the cousin grandfather namely Ramesh Babulal Karnalu. It appears that on 23.06.1976 Ramesh Babulal Karnalu was admitted with Nutan Secondary School, Municipal Corporation, Aurangabad. The caste column shows entry as 'Hindu-Mannewar'. However, perusal of the school admission entry of Ramesh Babulal Karnalu in his original school i.e. Holy Cross Marathi Primary School records his caste as 'Tel'. It is, therefore, evident that initial entry of caste in admission register of Ramesh Babulal Karnalu shows him belonging to 'Tel' caste. Apart from the aforesaid documents, the petitioner relies upon the service record of Ganesh Babulal Karnalu, wherein his caste is recorded as 'Hindu-Mannewar'. However, such entry appears to be recorded sometimes in the year 1997. On the other hand, there are many old

entries, including the entry of school admission of petitioner's father, wherein his caste is recorded as 'Hindu' or 'Telgu'. It is apparent that, in recent past the entries have been recorded as 'Mannewar' by the petitioner and his blood relatives. The 'Mannewar' is recognized as Scheduled Tribe vide Entry No.18 in Presidential Order of 1950 in the State of Maharashtra. The blood relatives of the petitioner appears to have admitted to the schools and also secured employments right from 1966 onwards. However, old record nowhere depicts the entry of 'Mannewar' Scheduled Tribe in the respect of any relative. The Committee has rightly observed that the petitioner failed in affinity test, so also vigilance enquiry report do not support the caste claim. Even if old school admission entries of the petitioner's blood relatives as 'Telgu' or 'Tel' are ignored, there is no positive evidence to bring home the petitioner's claim to be belonging to the 'Mannewar' Scheduled Tribe. We do not find any infirmity in the order passed by the Scrutiny Committee, thereby invalidating his tribe claim. Hence, there is no merit in the Writ Petition. Hence, Writ Petition stands rejected.

7. Rule is discharged

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE