



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8166 OF 2024

Suraj S/o Satyakumar Sangewar
Age : 30 years, Occu. Education,
R/o : H.No. 59, Prayag Nivas,
Near Sugdi Karkhana, Jagrat Hanuman Nagar,
Pawadewadi Road, Nanded,
Tq. & Dist. Nanded

.. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai

2] The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Head Quarter at Chh. Sambhaji Nagar,
Through its Dy. Director (R),
Dist. Chh. Sambhaji Nagar

3] The Dean,
Dr. Shankarrao Chavan Govt. Medical College,
Dist. Nanded

4] The Registrar,
Maharashtra University of Health Sciences,
Dindori Road, Mhasrul / Nashik,
Dist. Nashik

.. Respondents

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Advocate for petitioner : Mr. S.M. Vibhute

AGP for the respondent nos. 1 to 3 : Mr. V.M. Chate

Advocate for respondent no. 4 : Mr. Sk. Parvez h/f. Mr. S.B. Pulkundwar

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

RESERVED ON : 20 AUGUST 2024

PRONOUNCED ON : 27 AUGUST 2024

ORDER (MANGESH S. PATIL, J.) :

The petitioner is challenging the judgment and order of the respondent no. 2 – Scheduled Tribe Caste Certificate Verification Committee, Kinwat, whereby it has refused to validate petitioner's 'Chhatri' scheduled tribe certificate.

2. The learned advocate for the petitioner submits that the petitioner has produced pre-constitutional record showing him and his ancestors as 'Chhatri'. The committee has committed error in treating entry in the caste column of the school record of the petitioner's grandfather Maroti Dhondiba Sangewar wherein he was described as a 'Magas' of 1973, as a contrary entry. Petitioner's great grandfather in the revenue record of 1342 *Fasli* (1932 A.D.) was described as belonging to 'Chhatri' and being a pre-constitutional record, the committee ought to have accepted it and validated the claim.

3. Per contra, learned AGP would support the order. He would demonstrate that the petitioner has resorted to a clear forgery and this alone should be the ground to discard his claim. He would advert our attention to the photocopy of 1342 *Fasli* revenue record. He would submit that though the register has been maintained in *Modi* script, word 'Chhatri' has been subsequently added in Devanagari. It is so evident and would substantiate the committee's

inference of there being forgery and refusing to rely upon it. Since the petitioner had not produced any other reliable record, rather there was voluminous contrary record, wherein petitioner's blood relatives were discarded as 'Shimpi', 'Magas', the older record having greater probative value belies the petitioner's claim.

4. We have carefully considered the rival submissions and perused the original papers, including the coloured photocopy of the relevant page of 1342 *Fasli* revenue record, stated to be describing petitioner's great grandfather as 'Chhatri'. A bare look at this entry would demonstrate that though the rest of the entries in the register are in *Modi* script and even this one is also elsewhere in *Modi* script, the word 'Chhatri' has been added in Devanagari and the manner in which it has been written, clearly demonstrates that it was done by way of a manipulation at a later point of time. Therefore, though there cannot be a dispute about the translation, this circumstance is so evident as would reveal that the petitioner is not a man of truth and has resorted to such manipulation and is seeking to derive the benefit of the reservation policy. This would amount to fraud on the constitution. We do not see any reason to dislodge the inference drawn by the committee in this respect.

5. Though there are few favourable entries of 'Chhatri' in the school record of the petitioner and his blood relatives, the afore-

mentioned circumstance, in our considered view, is sufficient enough to dismiss the petition.

6. The favourable record being relied upon by the petitioner is of a quite recent time of 1970 and cannot substantiate the tribe claim.

7. Following the principles laid down in paragraph no. 25 of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, in the absence of any documentary evidence, failure of the petitioner to get through the affinity test, is also sufficient to discard his claim.

8. The committee has taken a plausible view which cannot be interfered with in the writ jurisdiction.

9. The petition is dismissed.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/