



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9938 OF 2024

1] Nitin S/o Nagorao Bodhankar
Age : 26 years, Occu. Education,
R/o. Ghungrala, Tq. Naigaon Kh,
Dist. Nanded

2] Vidhya D/o Shankarrao Siddhewad
Age : 26 years, Occu. Education,
R/o. Ghungrala, Tq. Naigaon Kh,
Dist. Nanded

.. Petitioners

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

.. Respondents

...
Advocate for petitioners : Mr. S.M. Vibhute
Addl. GP for the respondent – State : Mr. P.S. Patil
...

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

DATE : 21 OCTOBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard. Rule. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioners are seeking validation of their 'Mannervarlu' scheduled tribe certificates as father of petitioner – Nitin and uncle of petitioner no. 2 - Nagorao were successful in having one.

3. In the normal course, there being no dispute about petitioner no. 1's father - Nagorao possessing a certificate of validity, even he would be entitled to have a certificate of validity. It is interesting to note that the committee is trying to take exception to the validity of Nagorao on the ground of he having practised fraud. Even if we do not intend to embark upon and undertake objective scrutiny of the inference drawn by the committee regarding such fraud, it is important to note that while obtaining the certificate of validity, his father had relied upon extract of a school register of his father - Maroti Ramji Bodhankar stated to be issued by Zilla Parishad Kendriya Prathamik Shala, Kushnoor, Taluka - Naigaon (Kh) who was stated to be admitted in that school on 01-07-1054 but the petitioners conspicuously omitted to rely upon this record which, in fact, was a favourable and oldest one since their grandfather was described therein as 'Mannervarlu'.

4. In the impugned order, the committee has observed that when an enquiry was made with the concerned headmaster of that school, it was reported by the headmaster that no school register of the period prior to 1957 was available. Even it has been mentioned that

the incumbent headmaster expressly stated not to have been handed over the school record of the period prior to 1957. It has also observed that even the school record was reported to be destroyed by fire in the year 2008. If such is the state of affairs, it is imperative for the petitioners to demonstrate as to how Nagorao was able to obtain a certified extract of the school register which in turn was relied upon by the then committee while validating his claim. The conspicuous omission of the petitioners in relying upon such school record also creates a doubt about its genuineness.

5. It is in the light of such peculiar state of affairs, in our considered view, since it is a matter of social status, it would be appropriate that the committee is directed to undertake fresh scrutiny of the petitioners' claims by resorting to additional vigilance enquiry which would extend the petitioners an opportunity of leading additional evidence and explaining the circumstances in which petitioner no.1's father - Nagorao was able to produce the extract of the school register.

6. In the light of above, the writ petition is allowed partly.

7. The impugned order is quashed and set aside.

8. The matter is remanded back to the scrutiny committee.

9. The committee is directed to undertake fresh scrutiny of the petitioners' claims by resorting to additional vigilance enquiry which would extend the petitioners an opportunity of even leading additional evidence explaining the circumstances in which petitioner no.1's father - Nagorao was able to produce the extract of the school record.

10. The petitioners shall remain present before the committee on 04-11-2024 and it shall decide the matters afresh within 16 weeks therefrom.

11. Rule is made absolute accordingly.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/