



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3400/2024

Ku.Harshalata Rambhau Narnaware Vs. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. N.D.Jambhule, Advocate for petitioner.
Mr. S.S.Jachak (Gaikee), Addl. GP for respondent.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : JULY 12, 2024.

Heard.

2. The petitioner's claim as that of belonging to 'Mana Scheduled Tribe' was received by the respondent-Committee on 29th November, 2021, as the petitioner was already receiving the benefit of reservation, as available under the Scheduled Tribe category.

3. Vide impugned order dated 14th September, 2022, the respondent-Committee has rejected the claim for issuance of validity, which has prompted the petitioner to approach before this Court.

4. Mr. Jambhule, learned counsel for the petitioner would invite the attention of this Court to the entries in the documents, which were produced by the petitioner for consideration of the respondent-Committee. According to him,

the document of paternal aunt - Rekha Baburao Narnaware of 1st July, 1980 speaks of entry 'Mana', about father Rambhau, entry of 24th June 1982 speaks of 'Hindu Mana'. According to him, the pre-independence era entries exists viz., from 1.7.1929 in relation to grandfather Baburao, cousin grandfather Vasantrao, the great grandfather Laxman, the father Rambhau, uncle Chandrashekhar reflects 'Mani' entries; there is no caste by name 'Mani' and as such, it has to be read to mean the 'Mana' entry.

5. Mr. Jambhule would urge that the documents in the form of extract of Kotwal Panji were incorrectly produced, however, the petitioner had no intention to mislead the Committee or gain any undue advantage. Mr. Jambhule, in this background, would urge that the petitioner having satisfied the affinity test and pre-independence era documents established the claim as that of belonging to 'Mana' scheduled tribe, she is entitled for not only grant of validity but also for protection of her admission.

6. Mr. Jambhule, so as to substantiate the aforesaid contention has also invited the attention to the explanation tendered by the petitioner to the Vigilance Cell Report. He would claim that the production of extract of Kotwal Panji in relation to the relatives ought to have been ignored. He would further add

that the explanation to the Vigilance Cell Report has discharged the burden cast upon the petitioner as contemplated under Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short "the Act") and that being so, the respondent-Committee committed an error in rejecting the claim of the petitioner.

7. Ms. Gaiki, learned Additional Government Pleader would oppose the prayer made by the petitioner as according to her, it is neither open for the Committee nor for this Court to read and interpret the entries. She would claim that consistently from 1929 onwards i.e. pre-independence era caste entries in relation to the blood relations of the petitioner such as great grandfather, grandfather, uncle and father depict entry of 'Mani'. In the school record of paternal aunt Rekha, the entry is recorded as 'Mana' and so also in the record of father. She would claim that the petitioner owes an explanation to demonstrate as to how the entry from 'Mani' could have been changed to 'Mana'. She would claim that since the pre-independence era entries provide more probative value, the same are rightly relied upon by the Committee. In addition to

the claim, the Committee has also evaluated the information furnished so as to satisfy the affinity test and have recorded the finding to that effect. As such, she would claim that the petition is liable to be dismissed.

8. We have considered the submissions.

9. The petitioner has not disputed the relationship with the persons in whose names the entries of pre-independence era i.e. from 1st July, 1929 are recorded.

10. To name a few, Baburao grandfather of the petitioner has entered caste as 'Mani' on 1st July, 1929. Similarly, cousin grandfather Vasant, great grandfather Laxman, cousin grandfather Uttam bears entries as 'Mani' which are of the pre-independence era.

11. Similarly about father and uncle of the petitioner 1970 and 1971 entry in the school record speaks of entry 'Mani' in the caste column.

12. Suddenly, these entries are changed to 'Mana' in regard to paternal aunt Rekha and father Rambhau in the year 1980-81.

13. The petitioner owes an explanation, in view of the burden cast on her by virtue of the provisions of Section 8 of the

Act of 2000. The explanation put forth by the petitioner is about incorrect entries being recorded by the school authorities.

14. Even if the petitioner has come out with such a stand that the school authorities have recorded incorrect entries, it was for the petitioner to demonstrate by examining the school authorities that the original entries were of 'Mana' and by committing mistake in caste column, the entries are taken as 'Mani'.

15. The petitioner has failed to discharge such burden but, except for giving an oral explanation to the Vigilance Cell Report. As such, it cannot be said that the petitioner has discharged the burden cast upon her by Section 8 of the Act.

16. Apart from above, there is one more reason to dismiss the petition, the petitioner has produced on record bogus documents so as to substantiate her claim, which fact was exposed to the Vigilance Cell. The said issue is conceded by the petitioner thereby stating that such documents were produced by a mistake.

17. Apart from above, the Committee through the Research Officer has evaluated the information provided so as to satisfy the affinity test, to which the petitioner has failed.

18. Though, entries of 1941-42 from the admission register in relation to `Baburao' and `Laxman' are sought to be relied on, the fact remains that the petitioner's grandfather's name is `Baburao and not Bapurao. The entries pertain to `Bapurao' and that being so, said entries are also liable to be discarded.

19. That being so, no case is made out for causing interference. The Petition stands dismissed. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Mukund Ambulkar