



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2147 OF 2007

Chandrakant S/o Vithalrao Mankawar,  
Age:34 years, Occu: Business,  
R/o Tambloor, Taluka Degloor,  
District: Nanded

.. Petitioner

VERSUS

1. The State of Maharashtra,  
through the Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32  
(Copy to be served on Government  
Pleader High Court of  
Judicature of Bombay, Bench at  
Aurangabad)

2. The Scheduled Tribes Certificate  
Scrutiny Committee, Aurangabad  
Division, Aurangabad

.. Respondents

Mr. K.J. Suryawanshi h/f. Mr. D.N. Suryawanshi  
for the Petitioner

Mr. S.K. Tambe, AGP for the Respondent-State

Mr. M.S. Deshmukh for Respondent no.2

CORAM : P.V. HARDAS AND  
R.M. SAVANT, JJ.

DATED : 03.04.2008

ORAL JUDGMENT (PER - P.V. HARDAS, J.) :-

1. This petition under Article 226 of the Constitution of India takes exception, to an order passed by the respondent scrutiny committee dated 11.10.2006 invalidating the tribe claim of the petitioner as belonging to Mannerwarlu scheduled tribe.

2. The certificate issued to the petitioner as belonging to Mannerwarlu scheduled tribe came to be referred to the respondent scrutiny committee for it's verification. In support of the plea of the petitioner that he belongs to Mannerwarlu scheduled tribe, the petitioner annexed several documents. The documents annexed by the petitioner, have been enlisted in the order of the respondent scrutiny committee and the aforesaid documents are:

1. Xerox copy of the caste certificate of the petitioner as belongs to Mannerwarlu, Scheduled Tribe granted by Taluka Executive Magistrate, Degloor, Dist. Nanded, vide bearing no.89/A/Misc./C.C./CR 852/16 Dated 30.9.1989.

2. Xerox copy of school leaving certificate of petitioner vide admission registration no. 975, date of admission is 10.9.1984, vide T.C. no. 51, dated 20.6.1986, the caste is mentioned as Mannerwarlu.

3. Xerox copy of school leaving certificate of petitioner, issued by Netaji Subhash Vidyalay, Tamlur, Tq. Degloor, Dist. Nanded, vide admission registration no.531, date of admission is 21.6.1986, vide T.C. no.51, dated 30.6.1980, the caste is mentioned as Mannerwarlu.

4. Xerox copy of order passed by Divisional Commissioner, Aurangabad, in favour of petitioner's Real Brother Suryakant Vithalrao Mankawar, the caste is validated as Mannerwarlu.

5. Xerox copy of Transfer certificate of petitioner, issued by Balbhim Arts, Science and Commerce Jr. College, Beed, vide certificate no.1644, date of admission is 10.8.1989, dated 29.6.1990, the caste is mentioned in Hindu (Mannerwarlu).

6. Xerox copy of Transfer Certificate of petitioner, issued by Govt. High School, Degloor, Dist. Nanded, vide admission registration no.81, date of admission is 16/6\_\_\_ dated 12/10\_\_\_, the caste is mentioned as Hindu (Mannerwarlu)

7. Xerox copy of order passed by Additional Commissioner, Aurangabad in favour of petitioner's real brother Suryakant Vithalrao Mankawar, the caste is validated as Mannerwarlu.

8. Xerox copy of Urdu documents.

9. Xerox copy of caste certificate of petitioner's father Vithalrao Piraji Mankawar, issued by Tahsildar & Taluka Magistrate, Degloor, vide bearing no. 1980-A-Misc. Cr-/ws.83/dated 10/6/1980, belongs to Mannerwarlu.

10. Xerox copy of Admission Registration Extract of petitioner issued by Govt. Primary School, Shakkarga (Khurd) Tq. Madnur, Dist. Nijamabad, vide admission registration no. 303, mentioned caste as Mannerwarlu.

11. Xerox copy of the certificate in which the caste of the petitioner's father Vithalrao Piraji Mankawar, is mentioned caste as Hindu vide admission registration no. 1131, date of admission 22.6.1951.

12. Xerox copy of caste and identity certificate of petitioner granted by Akhil Bhartiya Munnerwarlu Sanghatan, the caste is mentioned caste as Munnerwarlu.

13. Xerox copy of caste and Identity certificate of petitioner's father Vithalrao Piraji Mankawar, granted by Sarpanch, Talathi, the caste is mentioned caste as Mannerwarlu.

14. Xerox copy of caste and identity certificate of petitioner, granted by Sarpanch, the caste is mentioned caste as Mannerwarlu.

15. Xerox copy of Admission Registration Extract of petitioner, issued by Vikas Vidyalaya, Digoor, Dist. Nanded, vide admission registration no. 363, date of admission 6.7.1976, mentioned caste as Mannerwarlu.

16. The copy of the invalid order passed by Director, Tribe Research & Training Institute, Pune vide bearing no. TRI/TCSC/EDN/2429, dated 20.7.1991, of the petitioner.

17. The xerox copy of the Writ Petition no. 31 of 1991 filed by the petitioner against Director, Tribal Research & Training Institute, Pune, before the Additional Commissioner, Tribal Development, Nashik.

18. Xerox copy of direction given by the Additional Commissioner, Tribal Development, Nashik, W.P. No. 31 of 1991 to Director, Tribal Research & Training Institute, Pune.

19. The copy of School Leaving Certificate of petitioner vide admission registration no. 53, date of admission 21.6.1986, vide T.C. no.

346, date 30.6.1989, the caste is mentioned as Mannerwarlu.

20. The xerox copy of the W.P. no. 925 of 1992 filed by petitioner against Director, Tribal Research & Training Institute, Pune, before the Hon'ble High Court, Bench at Aurangabad.

21. Xerox copy of direction given by the Hon'ble High Court in W.P. no. 925/1992 bench at Aurangabad, to Director, Tribal Research & Training Institute, Pune.

22. Original copy of say of the petitioner.

23. Xerox copy of the Certificate issued by HMCPS, & Z.P. Primary School, Nutan, Degloor, Dist. Nanded, in which the caste is mentioned of the petitioner's real brother Suryakant Vithalrao Mankawar, as Mannerwarlu.

24. Original copy of family tree submitted by petitioner.

25. Original copy of admission registration extract of petitioner's blood relatives issued by ZP Sr. Primary School, Tamlur Tq. Degloor, Dist. Nanded dated 5.10.2005.

Sr.No.	Name	Admission registration no./Date of admission	Caste	Remark
1.	Shyamsunder Piraji Mankawar	436, 26.7.1962	Mannerwarlu	
2.	Shyamsunder Pirjai Mankawar	436, 26.7.1962	Mannerwarlu	
3.	Laxman Vithalrao Mankawar	510, 5.7.1968	Mannerwarlu	
4.	Gangadhar	62/2/337,	Munurwad	

Hanmantrao  
Mankawar

5.7.1971 Mannerwarlu

5. Satywa Hanmantrao 419, Mannerwarlu  
Mankawar 7.7.1978

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3. The report of the vigilance cell was called for and the report of the vigilance cell indicate that in respect of the certificate at serial number 25, i.e. admission registration extract of the relatives of the petitioner, vigilance cell had remarked that the word "lu" in vernacular had been added and there was difference in the ink. The vigilance cell had also stated that in respect of Shyamsunder, uncle of the present petitioner the original word had been erased and the word "warlu" had been written. In respect of Suryakant, real brother of the present petitioner, the word "lu" in vernacular had been added to indicate that the caste which was recorded was Mannerwarlu. The respondent scrutiny committee upon appreciation of this evidence came to the conclusion that the petitioner had failed to establish that the petitioner belong to Mannerwarlu scheduled tribe.

4. A copy of the report of the vigilance cell had been forwarded to the petitioner and the

petitioner had submitted his reply to the report of the vigilance cell. A contention appears to have been raised by the petitioner in the aforesaid reply that alteration/addition in the admission registers were not based on the evidence of any expert but were based on the evaluation done by the respondent scrutiny committee. Similar argument was reiterated before us in this Writ Petition and accordingly we had issued notice to the Headmaster of the concerned school for making available the original record/registers for perusal of this Court. Upon perusal of the original register it is apparent to naked eye that the word "lu" in vernacular has been added to the original word "Mannerwar". A stroke in different ink has been added to the word "Mannerwar" so as to read as "Mannerwarlu". Both the additions are apparent to the naked eye and had been done in different ink. We have also perused the register in respect of the entry relating to Shyamsunder, uncle of the present petitioner wherein the original word has been erased and the word "Mannerwarlu" appears to have been written subsequently. We have also perused the register in respect of Gangadhar, cousin of the present petitioner wherein the original word has been encircled and the word "Mannerwarlu" has been

written. It appears that the aforesaid correction came to be made on the basis of certain certificate alleged to have been issued by a social organisation.

5. Mr. K.J. Suryawanshi learned counsel appearing on behalf of the petitioner has urged before us that the respondent scrutiny committee has completely ignored the certificate dated 28.11.1984 issued by the Headmaster of school to Laxman brother of the present petitioner. It is urged before us that perusal of the aforesaid certificate shows that caste of the brother of the petitioner is recorded as "Mannerwarlu" We had asked Mr. Deshmukh learned counsel appearing on behalf of the respondent scrutiny committee to keep the record and proceedings of the respondent scrutiny committee available for our perusal. Upon perusal of the record and proceedings it is apparent that this document had not been tendered by the petitioner. In any event this document cannot in law supercede other documents which show that certain correction/erasures had been carried out in the original caste which was recorded to make it appear "Mannerwarlu". In the light of



such overwhelming contra evidence which clearly demonstrates the nefarious activities carried out in respect of erasure of the original caste which was recorded and the addition of the caste "Mannerwarlu", we are not inclined to hold that this document, in any manner assist the petitioner.

6. Mr. Surwayanshi learned counsel appearing for the petitioner has also urged before us that caste claim of the real brother of the petitioner had been validated by orders of the Additional Commissioner, Aurangabad. It is further urged before us that validation of the caste claim of the brother of the petitioner would assume importance and would be a weighty piece of evidence and on the strength of the other documents alone the respondent scrutiny committee ought to have validated the claim of the petitioner. We are not inclined to attach much importance to the order validating the tribe claim of the brother of the petitioner for the reason that the aforesaid validation has been done prior to vigilance cell having been constituted and therefore the certificate submitted by Suryakant had not been subjected to the rigorous scrutiny which is presently being done by the vigilance cell. Even otherwise on

perusal of the order of the appellate authority upholding the tribe claim of Suryakant it is apparent that alterations in register in respect of the caste of Suryakant had not been brought to the notice of the said authority. In the light of such overwhelming contra evidence according to us no fault can be found with the reasoning of the respondent scrutiny committee in invalidating the tribe claim of the petitioner. Validity certificate granted to close relatives are certainly important piece of evidence and have great persuasive value. The validity certificate granted to close relatives cannot in law supercede the primary documents. Perusal of the extract of the admission register show that certain addition/over-writing has been done in respect of the caste of the concerned relatives. In the light of such overwhelming contra evidence and particularly the erasures and over-writing according to us the respondent scrutiny committee was justified in rejecting the caste claim of the petitioner. In the light of that we dismiss the Petition with no order as to costs. The original registers be returned to the Headmaster who is present in Court. Rule stands discharged.

(R.M. SAVANT, J.)

(P.V. HARDAS, J.)

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