

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.: 5447 OF 2007

...  
Gagadhar S/o Poshetti Mamod,  
Age: 44 years, Occu.: Service,  
R/o At Post Atkur, Tq. Dharmabad,  
District: Nanded. ... PETITIONER.

VERSUS

The cheduled Tribe Caste Certificate  
Verification Committee, Aurangabad,  
Through its Dy. Director (R),  
Aurangabad. ... RESPONDENT

...  
Mr. S.M.Vibhute, Advocate for the Petitioner.  
Mr. M.S.Deshmukh, Advocate for the Respondent/  
sole.

...  
**CORAM: N. V. DABHOLKAR, AND**  
**S. B. DESHMUKH, JJ.**  
**DATED: 31st JANUARY, 2008.**

**ORAL JUDGMENT:**

1. Petitioner has approached us feeling aggrieved by the order passed by Respondent on 11th April, 2007 by which tribe claim of the petitioner of belonging to Scheduled Tribe, Mannerwarlu is invalidated by the respondent scrutiny committee. Presently, petitioner is serving with M.S.E.B. (now M.S.E.D.C.Ltd.).

2. Rule, made returnable forthwith by mutual consent.

3. We have heard respective counsel. Having

gone through the list of documents it is evident that original admission register of the Petitioner regarding his admission to Zilla Parishad Primary School, Alkur, Sankul Ratnali, Taluke Dharmabad, district Nanded showed his caste as Munerwar and not Mannerwarlu. There are other documents, which include certificate issued by Sarpanch, Leaving Certificate, issued by Lala Bahadur Shastri, Mahavidyalaya, Dharmabad, extract of service book of the petitioner and caste certificate issued by Taluka Executive Magistrate, Biloli. In all these documents caste of the petitioner is stated to be Mannerwarlu. (Mannerwarlu is a Scheduled Tribe whereas Munnerwar is a special backward class category).

4. All the documents pertaining to Petitioner and showing his caste to be Mannerwarlu are under scrutiny and, therefore, they cannot be of much evidentiary value. At serial Nos.8 and 9 there are documents relating to relatives of the Petitioner whose tribe claim belonging to Mannerwarlu is validated. There is also document at serial No.10 pertaining to Umakant Dattatray Totawad whose tribe claim as Mannerwarlu is validated. The first relative viz. Anup Sayanna Shengulwar is in fact not a blood relative of the petitioner, even from maternal side. He is husband

of maternal cousin sister of the Petitioner. The other relative viz. Umakant Totawad states that the Petitioner is "Majhya Bhaujichya Bhache Jawai Yancha Mehoona Aahe". A long chain, which is even difficult to remember, itself demonstrates that the affiant is not the blood relative of the Petitioner.

5. It is submitted by Advocate Shri Vibhute that scrutiny committee did not take in to consideration one document Exhibit-B, page 14, although that was presented before it. This is an order by Deputy Director of Education, Aurangabad by which he has allowed correction of school record of the Petitioner for recording his caste as Mannerwarlu instead of Munnerwar. This is done on the basis of caste certificate issued by Tahsildar, Biloli. We are not inclined to agree with Advocate Shri Vibhute that such an order can have so much evidentiary value that the claim of the petitioner of belonging to S.T. Mannerwarlu can be said to be convincingly established. After all this correction in the school record, regarding his caste, is on the basis of caste certificate, which is under scrutiny and, therefore, the fact of correction and corrected entry in the school record have no evidentiary value. The fact that at the entry point caste of the Petitioner was recorded in

the school record as Munnerwar which is special backward class category itself cuts across the claim of the petitioner that he belongs to S.T. Mannerwarlu.

6. We are unable to find any fault with the order passed by the scrutiny committee. Writ Petition is, therefore, dismissed. Rule discharged.

[S. B. DESHMUKH]

[N. V. DABHOLKAR]

JUDGE

JUDGE

Dated:31.01.2008

ans/5447



**WRIT PETITION NO.: 5447 OF 2007**

Date of Decision: 31st JANUARY, 2008.

For approval and signature:-

THE HONOURABLE SHRI JUSTICE  
N. V. DABHOLKAR.

Sd/-

THE HONOURABLE SHRI JUSTICE  
S. B. DESHMUKH

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|--|---|-----|
| 1. Whether Reporters of local papers   | ] | Yes |
| may be allowed to see the judgment?    | ] |     |
| 2. To be referred to the Reporter or   | ] | No  |
| not.?                                  | ] |     |
| 3. Whether Their Lordships wish to see | ] | No  |
| the fair copy of the Judgment?         | ] |     |
| 4. Whether this case involves a        | ] | No  |
| substantial question of law as to the  | ] |     |
| interpretation of the Constitution of  | ] |     |
| India, 1950, or any order made         | ] |     |
| thereunder?                            | ] |     |
| 5. Whether it is to be circulated to   | ] | No  |
| the Civil Judges?                      | ] |     |
| 6. Whether the case involves an        | ] | No  |
| important question of law and whether  | ] |     |
| a copy of the judgment should be sent  | ] |     |
| to Nagpur, Goa and Bombay offices?     | ] |     |

**[G. F. ANSARI]**  
**PRIVATE SECRETARY**