



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 14956 OF 2023

1. Sarang S/o Ramchandra Mali

Age: 18 years, Occu: Education

R/o: Lohagaon, Tq. Biloli,

Dist. Nanded

... Petitioner

Versus

1. The State of Maharashtra

Tribal Development Department

Through its Secretary,

Mantralaya, Mumbai – 400 001

2. Scheduled Tribe Certificate

Scrutiny Committee, Kinwat

Having its Head Quarter,

at Chhatrapati Sambahaji Nagar,

through its Member Secretary

... Respondents

...

Mr. Mahesh D. Deshmukh i/b Mr. S. S. Phatale, Advocate for the Petitioner

Mr. S. V. Hange, AGP for Respondent Nos.1 and 2

...

**CORAM : MANGESH S. PATIL &  
NEERAJ P. DHOTE, JJ.**

**DATE : 08.12.2023**

**FINAL ORDER : [ PER NEERAJ P. DHOTE, J.]**

. Rule. Rule is made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at the stage of admission. Perused the papers.

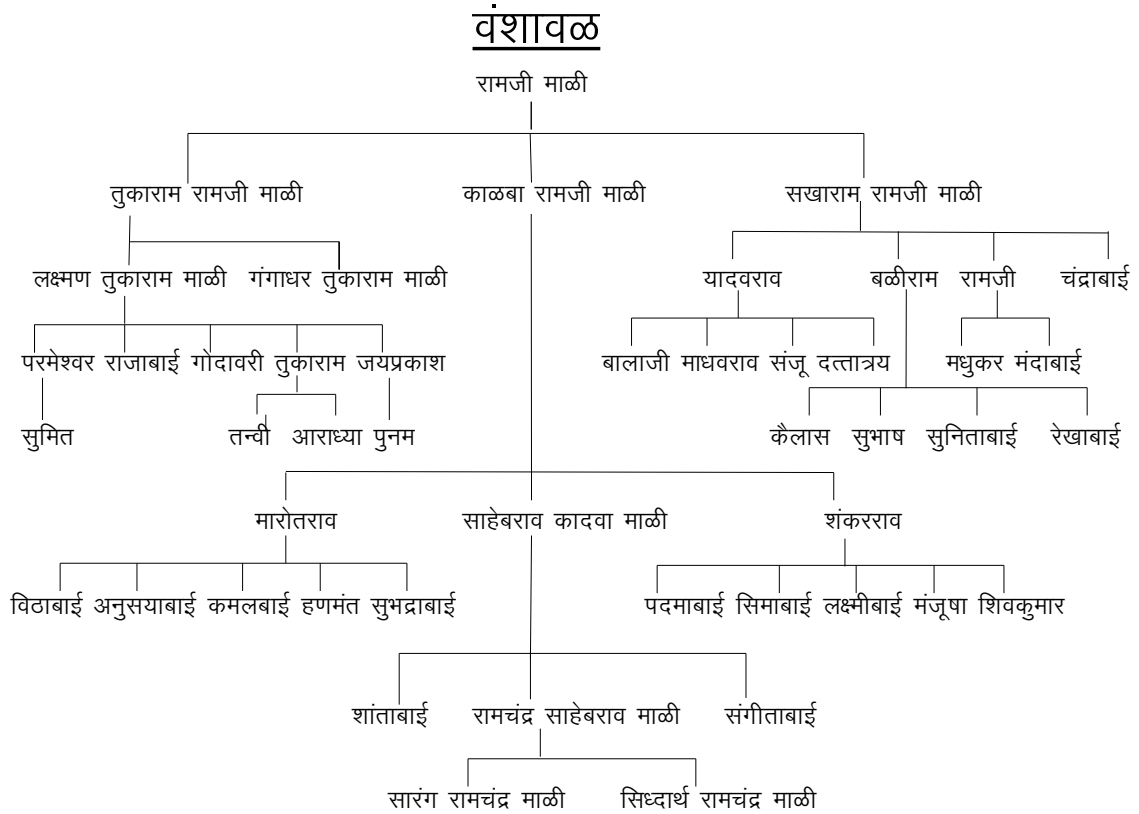
2. The order under challenge in this Writ Petition is dated 04/12/2023 invalidating the Petitioner's claim of 'Mannervarlu' Scheduled Tribe.

3. It is submitted by the learned Advocate for the Petitioner that though the father and cousin paternal uncles of the Petitioner are issued validities of the tribe claim after following due procedure of law, the Respondent No.2 – Committee has discarded the same considering the contrary entries in the records of the Petitioner's blood relatives. He further submitted that the other grounds of affinity and area restrictions, which are considered by the Respondent No.2 – Committee are unsustainable in the eye of law. He submitted that in view of the settled legal position in the matters of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.** reported in **2023 SCC Online SC 326**, **Palghat Jilla Thandan Samudhaya Samrakshna Samithi and Another Vs. State of Kerala and Anr.** reported in **(1994) 1 SCC 359** and **Jaywant Dilip Pawar Vs. State of Maharashtra and Ors.** reported in **2018 (5) All. M.R.975**, the Writ Petition be allowed.

4. The learned AGP defended the impugned order by submitting that the contrary entries are of the periods 1953, 1954, 1957 and for subsequent period. He submitted that there are no pre-constitutional documents supporting the Petitioner's claim and the Committee has rightly passed the impugned order. Hence, the Writ Petition be rejected.

5. After the enactment 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 said Act'] and the rules made therein, it is for the Claimant to prove and

establish the claim. Admitted genealogy in the matter is as under;



6. Perusal of the impugned order shows that the documents submitted by the Petitioner in support of his tribe claim are of post-constitutional period. We are aware that merely because the documents are of post-constitutional period, they are not to be discarded and cannot be the reason to uphold the impugned order. The impugned order shows that during the vigilance inquiry, the school record of the blood relatives of the Petitioner was collected, which indicates contrary entries such as 'Manurvar', 'Manurvad' and 'Munurvar' which are of the period 1953, 1954, 1957 and for subsequent period. These are the oldest entries of the blood relatives of the Petitioner. The Respondent No.2 - Committee has observed that the entries of the caste in the school record are based on the information given by the parents at the time of admission. The Respondent No.2 - Committee has also observed that the tribes 'Manurvar' and 'Manurvad' are different from the 'Mannervarlu' tribe and they come in the special backward category. The Respondent No.2 -

Committee has rightly observed that there are consistent contrary entries from the school record of the Petitioner's blood relatives from the years 1953 to 1975.

7. The Committee has observed that the Applicant / Claimant in his reply mentioned about the issuance of validity certificate to some of his family members, however, no affidavits of the said validity holders as contemplated under the Rule 11 (2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules, 2003 are filed. The Committee has rightly observed that one gets the caste from the father and therefore, the validity certificates of the other relatives cannot form the basis for tribe validation.

8. Though the Petitioner's father is having the validity certificate of the tribe, the impugned order shows that the validity was granted based on the validity certificate of one Mr. Shankar Maroti Totawar. The learned AGP has rightly submitted that in the genealogy, which is not disputed by the Claimant / Petitioner, Shankar Maroti Totawar is not to be seen anywhere. This aspect clearly indicates that the validity of the Petitioner's father was based on the validity of a person, who was not related to him by blood.

9. The papers made available by the learned AGP show that in the order dated 06/05/1997 passed by the erstwhile Scrutiny Committee in respect of the Petitioner's father – Ramchandra, remark was made as '*Not furnished any basic document pertaining to his father*' and in Paragraph No.3 of the order, it was mentioned that two documents were submitted by Ramchandra in support of his tribe claim, which are as under;

[1] Candidate's own affidavit regarding his tribe claim;

[2] An affidavit of Shri. Shankar Totaram.

The order further indicates that the affinity was not towards 'Mannervarlu' Scheduled Tribe. Apparently, the order of Ramchandra is not a reasoned one.

10. There is another aspect in the matter, which can be seen from the papers that the tribe claims of the cousin aunts of the Petitioner have been invalidated by the respective Committees. The Committee has taken note of this and observed that the Claimant has not disclosed about the said invalidation in his affidavit 'Form-F'.
11. When the Petitioner's father is issued with the validity based on the validity of the person, who was not related by blood and no basic documents pertaining to his father were submitted and the Committee's order validating the claim of Petitioner's father was not reasoned one, the Respondent No.2 - Committee has rightly observed that the order of issuing the validity was sans reason. Under such circumstances, the Petitioner cannot be extended the benefit of the said validity certificate in view of the ratio in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors. (Supra)**.
12. The impugned order shows that, the reasons given by the Respondent No.2 - Committee while invalidating the Petitioner's claim are based on plausible appreciation of the material available on record and the settled principles governing the field of tribe claims. The impugned order does not warrant any interference at the hands of this Court. The rulings relied upon by the learned Advocate for the Petitioner are of no assistance in support of the Petitioner's claim. Hence, we proceed to pass the following order:

**ORDER**

- (i) The Writ Petition is dismissed accordingly.
- (ii) Rule is discharged.

**[NEERAJ P. DHOTE, J.]**

**[MANGESH S. PATIL, J.]**

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