



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6583 OF 2005

Dr. Sayanna S/o Sayanna Shengulwar,
Age : 55 years, Occu.Social Service,
R/o Kundalwadi, Tal. Biloli,
Dist. Nanded ..PETITIONER

VERSUS

1. The State of Maharashtra
(The Secretary, The Department of
Tribal Development, Govt. of
Maharashtra, Mantralaya, Mumbai-32)
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
through The Secretary, The Office of the
Deputy Director (Research), Aurangabad
3. The Collector, Nanded District,
Nanded ..RESPONDENTS

Mr A.G. Godhamgaonkar, Advocate for the petitioner;
Mr K.J. Ghute Patil, AGP for respondents no.1 & 3;
Mr M.S. Deshmukh, Advocate for respondent no.2.

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

(Date of reserving the
order : 29.11.2006

Date of pronouncing the
order : 5.12.2006)

PER COURT :

. By this petition the petitioner questions the correctness of the judgment and order passed by respondent no.2 Scrutiny Committee dated 19.8.2005, invalidating the caste claim of the petitioner and

directing the cancellation and confiscation of the caste certificate of the petitioner.

2. According to the petitioner the petitioner is a Medical Practitioner and an agriculturist and belongs to "Mannerwarlu" caste which is recognized as a Scheduled Tribe. The petitioner contested the election of the President of Kundalwadi Municipal Council and came to be elected on the strength of his caste certificate. The caste certificate of the petitioner accordingly came to be referred to the Scrutiny Committee. The caste claim of the petitioner as belonging to "Mannerwarlu" - Scheduled Tribe came to be invalidated by the respondent Scrutiny Committee by the judgment which is impugned in the present petition.

3. The petitioner in support of his caste claim had submitted various documents which are adverted to by the respondent Scrutiny Committee in its judgment. The inquiry was handed over to the vigilance cell and the vigilance cell had submitted its report on 1.12.2003. In the aforesaid report the vigilance cell had pointed out that in the petitioner's school record his caste claim is recorded as "Mannerwarlu" in which the last two letters "lu" appear to have been added subsequently. It is also stated that the petitioner's son has received a validity

certificate. The petitioner had attended the interview and thereafter the Committee appreciated the documents submitted by the petitioner and invalidated his caste claim.

4. The respondent Scrutiny Committee was principally guided by the fact that in the petitioner's school record the last two letters of the word "Mannerwarlu" appear to have been added subsequently in a different ink and handwriting. The Committee, therefore, found that the oldest record appears to have been tampered with. The petitioner had placed reliance on the affidavit of his relative whose caste as "Mannerwarlu" had been validated by the Aurangabad Committee. The aforesaid document is referred to by the Committee as document no.9. The Committee declined to place any reliance on the aforesaid document on the ground that this relative of the petitioner was a relative from the maternal side and thus was not in blood relation of the petitioner and consequently that document was not useful for furthering the case of the petitioner. In respect of the document at sr.no.8, namely the validity certificate issued to the son of the petitioner, the Committee declined to place reliance on the aforesaid document on the ground that while obtaining the validity certificate, the son had suppressed the original school record of the petitioner.

5. Merely because a relative has been granted validity certificate is no ground to automatically or axiomatically grant a validity certificate to a candidate who has applied for the same. If the Committee is not satisfied in respect of the genuineness of the aforesaid claim and there are manipulations and tampering in the record, the Committee is perfectly justified in declining to grant validity certificate as requested for. An erroneous decision can never operate as a precedent to perpetuate an illegality or an error which has been committed.

6. Mr Godhamgaonkar, learned Counsel appearing on behalf of the petitioner has urged before us that the respondent Scrutiny Committee has not considered the admission register in respect of the petitioner's son in which the caste is recorded as "Mannerwarlu". However, according to us since the school record of the petitioner itself shows that the word "Mannerwarlu" appears to have been tampered with, the non consideration of the admission register of the son of the petitioner would not in any manner affect the evaluation done by the Committee.

7. The respondent no.2 Scrutiny Committee has filed

its affidavit in reply. In the affidavit in reply it is stated that the last two words "lu" in the caste column appear to have been added subsequently to read as "Mannerwarlu". Since the school record of the petitioner was tampered with and the aforesaid tampering was not noticed in the proceedings for adjudicating the tribe claim of the son of the petitioner, the claim of the petitioner has been invalidated. The vigilance cell had visited the school where the petitioner had studied and on perusal of the register had noted that the words "lu" in "Mannerwarlu" appears to have been added subsequently.

8. We have heard Mr Godhamgaonkar, learned Counsel appearing on behalf of the petitioner. We have also heard Mr M.S. Deshmukh, learned Counsel appearing on behalf of respondent no.2. Learned Counsel for respondent no.2 has placed before us the original record and proceedings. With the assistance of the learned Counsel for the parties we have perused the record and proceedings. We do not notice any perversity in the reasoning of the respondent Scrutiny Committee to warrant any interference in the findings recorded by the respondent Scrutiny Committee. Consequently this petition fails and is dismissed with no order as to costs. All interim orders passed in this petition, therefore, stand vacated.

[R.M.SAVANT, J.].

[P.V.HARDAS, J.]

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