



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7839 OF 2020

Vedkumar S/o Hanmanlu Ghantaji,
Age : 23 Years, Occu. : Education,
R/o Arjapur, Tq. Biloli,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification Committee
Aurangabad, Through its Member
Secretary, Aurangabad.
3. The Dean
Topiwala National Medical College,
B. Y. L. Nair Charitable Hospital,
Mumbai – 8.
4. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, District – Nashik.

.. Respondents

Shri R. K. Mendadkar, Advocate a/w Shri Sagar S. Phatale,
Advocate for the Petitioner.

Shri A. R. Kale, Addl.G.P. for the Respondent Nos. 1 and 2.
The Respondent No. 3 is served.

Shri K. M. Suryawanshi, Advocate for the Respondent No. 4.

Shri T. M. Venjane, Advocate for the applicant in C. A. NO. 1102
of 2021 – absent.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

Date on which closed for Judgment : 13.08.2024

Judgment pronounced on : 20.08.2024

JUDGMENT (Per Shailesh P. Brahme, J.) :-

. Rule. Rule is made returnable forthwith. Heard finally at the admission stage with the consent of parties considering exigency expressed by the petitioner.

2. The petitioner is challenging judgment and order dated 29.10.2020 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating his tribe certificate of scheduled tribe 'Mannervarlu'.

3. Learned counsel appearing for the petitioner tenders on record a coloured photo copy of school record of Sayanna Ramanna Ghantaji, which is of the year 1951 indicating caste as Mannervarlu.

4. The learned counsel for the petitioner submits that the clinching old school record of Sayanna Ramanna is discarded by a perverse finding. No in depth scrutiny of school record of Sayanna Ramanna was undertaken, which is abdication of power. He would submit that finding that forefathers of the petitioner are not found to be residing at the place where the members of the tribe in question used to reside, is patently illegal.

5. The learned counsel for the petitioner further submits that though the petitioner had tendered information in consonance with the ethnic and anthropological linkage with the tribe Mannervarlu, affinity test was held against him, which is perversity. He would submit that the school record of Hanmanlu and Lalita was also reliable, but discarded by the Committee arbitrarily. He refers to judgment of the Supreme Court in the matter of Sayanna Vs. State of Maharashtra and others reported in *(2009) 10 SCC 268* and **order dated 29.11.2017** passed by the Supreme Court in the matter of **Veena Ashok Godse @ Veena Hemant Sonawane Vs. State of Maharashtra in Civil Appeal No. 19968 of 2017**.

6. Per contra, learned Additional Government Pleader tenders on record original files of petitioner and Shruti Hanmanlu Ghantaji. He would submit that the Committee has rightly discarded school record of Sayanna Ramanna considering report of vigilance cell. Similarly, the school record of Hanmanlu and Lalita is suspicious. He would point out coloured photo copies of those entries. As there is no material to support the tribe claim of the petitioner, there is no reason to interfere with the impugned judgment and order.

7. Having considered submissions of both the sides, we find that the petitioner's tribe claim is founded on the school record of three relatives (i) Sayanna Ramanna, (ii) Hanmanlu Sayanna and (iii) Lalita Sayanna. Out of that, school record of Sayanna is

of the year 1951, the oldest one.

8. We have carefully perused the coloured photo copies of school record of Sayanna Ramanna. We are also shown the coloured photo copies of school register of which entry of Sayanna Ramanna is a part. The relevant extract shows that there are double numbering of entries of not only Sayanna Ramanna, but other names appearing on the same extract. The last column of remark shows signature of same person and apparently in the same ink. Its column Nos. 17 to 19 indicate the reason for leaving school as due to absentism. It is common for each student appearing on the extract. The learned Addl. G. P. has, therefore, rightly pointed out that the document in question is not beyond the pale of doubt. The photo copies of other papers of the school register are also shown to us. We do not consider the observations of the committee are ill founded.

9. We have gone through the coloured photographs of school record of Hanmanlu, which indicate encircling of original caste Munnurwad and inserting word Mannervarlu. It is not made clear as to any procedure of law was followed for correcting the school record like Clause 26.4 of the Secondary School Code. We have considered coloured photo copies of school record of Lalita Sayanna also. The school record of Lalita Sayanna also clearly shows manipulation. The Committee has rightly discarded this school record as well.

10. There is no other record which would support the claim of

the petitioner. The documents pressed into service are highly suspicious. We find no perversity or illegality in discarding the documentary evidence laid by the petitioner.

11. So far as submission on area restriction is concerned, we are with the petitioner, but that itself would not be a ground to validate the tribe claim. We have also seen the information given by the petitioner during vigilance enquiry for the affinity test. Affinity test is not a decisive factor. Even if the submission of the petitioner is accepted, unless there is corroboration by other material, merely on the affinity test a claim cannot succeed. We, therefore, are unable to accept the submission of the petitioner in respect of affinity test.

12. The order passed by the Supreme Court in the matter of **Veena Ashok Godse @ Veena Hemant Sonawane Vs. State of Maharashtra** (supra) is referred to for emphasizing probative value of school record of Sayanna Ramanna, but the record in question is found to be doubtful. The judgment cited by the petitioner is not applicable.

13. Another judgment of the Supreme Court in the matter of **Sayanna Vs. State of Maharashtra and others** (supra) is cited by the petitioner to substantiate that school record of Lalita should not have been discarded and without there being any further verification the school record of Sayanna Ramanna should not have been discarded. We have gone through paragraph Nos. 13 to 16 of the judgment of the Supreme Court. In the present

matter a proper vigilance enquiry and verification of school record of Sayanna, Hanmanlu and Lalita Sayanna was undertaken. Though the original record was considered and the report was submitted the facts in the present case are different than those were before the Supreme Court. The judgment rendered in the matter of Sayanna Vs. State of Maharashtra and others (supra) also would not help the petitioner.

13. For the reasons stated above, we do not find any perversity or illegality in the impugned judgment and order.

14. Writ petition is dismissed. There shall be no order as to costs. Rule is discharged.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 24