
(2022) 10 BOM CK 0142
In the Bombay High Court
Case No : Writ Petition No.360 Of 2022

Surendra Murlidhar Kopulwar

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 19-10-2022

Acts Referred:

Citation : (2022) 10 BOM CK 0142

Hon'ble Judges : Sunil B. Shukre, J;Anil L. Pansare, J

Bench : Division Bench

Advocate : S.S. Joshi, N.P. Mehta

Final Decision : Allowed

Judgement

Sunil B. Shukre, J

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The petitioner claims that he is belonging to 'Mannewar', Scheduled Tribe. Such claim was, however, invalidated by the respondent No.2- Scrutiny Committee by the impugned order dated 6-7-2021. The Scrutiny Committee found that the pre-constitutional documents filed by the petitioner from paternal side showed different status of the petitioner. The Committee found that in some documents, the petitioner's ancestors were shown to be 'Telangi'; in some documents, they were shown to be 'Manewar'; in some documents, they were shown to be 'Telgu'; in some documents, they were shown to be 'Telgu Manwar', and in the two documents, the word 'Telgu' was scored out by making deliberate interference by some of the relatives of the petitioner. So far as the deliberate interference with the original entries by the petitioner or his relatives is concerned, we find that there is no material available on record which would even remotely support the conclusion that the petitioner or his relatives were responsible for the same. The remark passed in this regard by the Scrutiny Committee is based upon no evidence and is perverse. This finding, therefore,

deserves to be set aside.

3. So far as the finding recorded by the Scrutiny Committee that there are confusing entries relating to the paternal side of the petitioner in the pre-constitutional documents, we are of the view that there is no confusion whatsoever in these entries. All these entries, particularly the entries of the dates of 10-7-1924 and 20-10-1934, clearly show that the paternal aunt and the cousin grandfather of the petitioner belonged to 'Manewar' community, which has been later on declared to be a Scheduled Tribe. In some other pre-constitutional documents, the ancestors of the petitioners have been shown to be 'Telangi' or 'Telgu Manewar' or 'Telgu'. It is well settled that 'Telgangi' is the region of which the community 'Manewar' is native, while 'Telgu' is the language spoken by the community 'Manewar', now the Scheduled Tribe. A useful reference in this regard can be made to the view taken by this Court in the case of Shri Anil Ramdas Mede Vs. State of Maharashtra, reported in 2004(4) ALL MR 639. It then follows that all the pre-constitutional documents on which reliance has been placed by the petitioner reasonably and sufficiently support the claim of the petitioner of his belonging to 'Manewar', Scheduled Tribe. This aspect of the matter, vital for determination of the issue involved in this case, has been completely ignored by the Scrutiny Committee and, therefore, the impugned order passed by the Committee is not sustainable in the eye of law.

4. Needless to say that the pre-constituoanal entries have a greater probative value and when such entries sufficiently prove the social status, as claimed by the person, there is an entitlement of such person to be issued a validity certificate for the social status claimed by him, which is the case here.

5. In the result, the petition is allowed. The impugned order dated 6-7-2021 passed by the respondent No.2- Scrutiny Committee is hereby quashed and set aside. The Scrutiny Committee is directed to issue a tribe validity certificate to the petitioner as belonging to 'Manewar', Scheduled Tribe at the earliest and in any case within two weeks from the date of receipt of the order.

The respondent Nos.1 and 3 are directed to process the pension case of the petitioner accordingly, provided the petitioner is otherwise eligible to receive all the retiral benefits, including pension and gratuity, at the earliest and preferably within six months from the date of the order.

6. Rule is made absolute in the above terms. No costs.