

(2019) 04 BOM CK 0025
In the Bombay High Court
Case No : Writ Petition No. 4316 Of 2017

Suresh Kumar Balkrishna Naidu

APPELLANT

Vs

State Of Maharashtra And Ors

RESPONDENT

Date of Decision : 04-04-2019

Acts Referred:

Citation : (2019) 04 BOM CK 0025

Hon'ble Judges : R.K. Deshpande, J;S.M. Modak, J

Bench : Division Bench

Advocate : A.I. Sheikh, T.H. Khan

Final Decision : Allowed

Judgement

R.K. Deshpande, J.

1. Rule, returnable forthwith. Heard finally by consent of the learned counsels appearing for the parties.

2. The challenge in this petition is to the order dated 19-12-2016 passed by the Scheduled Tribe Certificate Scrutiny Committee, Amravati Division, Amravati, invalidating the claim of the petitioner for 'Mannewar Scheduled Tribe', which is an entry at Serial No.18 in the Constitution (Scheduled Tribes) Order, 1950.

3. Before the Committee, the petitioner filed twenty-seven documents in support of his claim for 'Mannewar Scheduled Tribe', whereas the Police Vigilance Cell could secure six documents in relation to the blood relatives of the petitioner. The claim is rejected on the ground that in the document of 25-5-1928, which is the birth extract in the name of the grandfather of the petitioner, the caste is not mentioned; in the admission extract in the name of Laxminarayan Rajaiyya, the real uncle of the petitioner, the caste is mentioned as 'Telgu Mannewar' on 9-7-1929; and in the school leaving certificate in the name of Suryaprakash V. Rajaiyya, the another uncle of the petitioner, the caste is mentioned as 'Mannewaram' on 13-7-1936. In some of the documents, the caste is referred to

as 'Naidu' or 'Telgu' or 'Telangi'.

4. We find that in the admission extract of Laxminarayan Rajaiyya, the caste entry was 'Telgu Mannewar' on 9-7-1929. Prefix 'Telgu' to 'Mannewar' in the entry merely indicates the language and not the caste. In respect of the entry in the school leaving certificate of Suraprakash Rajaiyya, the caste is mentioned as 'Mannewaram' on 13-7-1936. Undisputedly, 'Mannewaram' is not at all a tribe or a sub-tribe or a sub-caste in existence. The document has to be, therefore, considered as indicating the tribe name of 'Mannewar'. There is another entry in the name of Raghavendra Balkisan, the real brother of the petitioner, in the school leaving certificate showing his caste as 'Mannewar' on 21-7-1959. Apart from this, there are several other entries subsequent to 1950 indicating the caste of the blood relatives as 'Mannewar'. We, therefore, find that the Committee was wrong in rejecting the claim of the petitioner for 'Mannewar Scheduled Tribe'. Thus, the petitioner has established his case for 'Mannewar Scheduled Tribe'. The impugned order cannot, therefore, be sustained.

5. In the result, the petition is allowed, and the following order is passed :

O R D E R

0. The order dated 19-12-2016 passed by the Scheduled Tribe Certificate Scrutiny Committee, Amravati Division, Amravati, rejecting the claim of the petitioner for 'Mannewar Scheduled Tribe', is hereby quashed and set aside.

2. It is held that the petitioner has established his claim for 'Mannewar Scheduled Tribe', which is at Serial No.18 in the Constitution (Scheduled Tribes) Order, 1950 and accordingly we direct the Committee to issue a validity certificate in the name of the petitioner within a period of four weeks from today.

6. Rule is made absolute in the aforesaid terms. No order as to costs.