

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 6561 OF 2018
WITH
WRIT PETITION NO. 6644 OF 2018
AND
WRIT PETITION NO. 6645 OF 2018

WRIT PETITION NO. 6561 OF 2018

Pratik s/o Chhagan Gaikwad,
aged about 17 years, occupation –
Student, through natural
guardian father Shri Chhagan s/o
Nitaram Gaikwad, aged about
50 years, occupation – Retired,
r/o Amgaon (Khurd), Tahsil -
Sakoli, Dist. Bhandara.

... PETITIONER

Versus

The Vice-Chairman/ Member
Secretary, Scheduled Tribe Caste
Certificate Scrutiny Committee,
Adiwasi Vikas Bhavan, Giripeth,
Nagpur.

... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.
Shri M.J. Khan, AGP for the respondent.

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WRIT PETITION NO. 6644 OF 2018

Yogeshwari d/o Chhagan Gaikwad,
aged about 21 years, occupation –
Student, r/o Amgaon (Khurd),
Tahsil – Sakoli, Dist. - Bhandara.

... PETITIONER

Versus

1. The Vice-Chairman/ Member
Secretary, Scheduled Tribe Caste
Certificate Scrutiny Committee,
Adiwasi Vikas Bhavan, Giripeth,
Nagpur.
2. The Principal,
Sindhudurg Shikshan Prasarak
Mandal's College of Engineering,
Tahsil – Kankawali, District -
Sindhudurg – 416 602.
3. The Vice-Chancellor/ Registrar,
University of Mumbai, M.G.
Road, Fort, Mumbai 400 032. ... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.
Shri M.J. Khan, AGP for the respondent.

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WRIT PETITION NO. 6645 OF 2018

Sneha d/o Chhagan Gaikwad,
aged about 19 years, occupation –
Student, r/o Amgaon (Khurd),
Tahsil – Sakoli, Dist. - Bhandara. ... PETITIONER

Versus

1. The Vice-Chairman/ Member
Secretary, Scheduled Tribe Caste
Certificate Scrutiny Committee,
Adiwasi Vikas Bhavan, Giripeth,
Nagpur.
2. The Principal,
Bhaisaheb Sawant Ayurved
Mahavidyalaya, Sawantwadi,
District - Sindhudurg.
3. The Vice-Chancellor/ Registrar,

Maharashtra University of Health
Sciences (MUHS), Mhasrul Road,
Nasik 422 004.

... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.
Shri M.J. Khan, AGP for the respondent.

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**CORAM : SUNIL B. SHUKRE &
S.M. MODAK, JJ.
FEBRUARY 04, 2019.**

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J.)

Rule. Rule is made returnable forthwith and heard finally with the consent of learned counsel for the respective parties.

2. One of the grounds taken in these petitions is that even though the forefathers of the petitioners from the paternal side belonging to “*Mana*” is revealed by the documents of pre-constitution period, the petitioners have been denied the validity to their Caste Certificate showing them to be belonging to “*Mana - Scheduled Tribe*”. Insofar as pre-constitution documents are concerned, there is no dispute about the same. These documents undisputedly show that the forefathers of the

petitioners were belonging to Mana, though the caste “Mana” was not declared to be Scheduled Tribe and after the issuance of the Constitutional order in the year 1950, this caste has been declared to be a Scheduled Tribe. Therefore, the law, we say, applicable to such cases is well settled. The pre-constitution documents have been taken consistently by the Courts as the documents having great probative value and if anything else is to be looked into, it is only by way of corroboration. Then the issue that arises here is whether the corroboration of these documents of the petitioners are required or not. The answer to this question is in the negative, for the reason that there is no dispute about the pre-constitution documents. The corroboration is a process of appreciation of evidence and it is necessitated only if there is a doubt about the reliability with the main proof. Such doubt being not there in present case, we find that the respondent – Committee has committed a serious error of law in invalidating the caste certificate of the petitioners.

3. In view of the above, we find that these petitions deserve to be allowed and the same are allowed accordingly.

Respondent – Committee is directed to issue validity to the claim of the petitioners as belonging to “*Mana – Scheduled Tribe*” within a period of four weeks from the date of this order and validity that would be granted by the respondent shall take effect from the date on which previously the claim was invalidated, that is from 30.07.2018 in all the petitions. The impugned order dated 30.07.2018 is accordingly quashed and set aside.

4. Writ Petitions are disposed of accordingly. Rule is made absolute in above terms. However, there shall be no order as to costs.

Certified copy expedited.

JUDGE

JUDGE

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