



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No.8066 OF 2018

Ku. Manjusha d/o. Dharmnath Mankar,
Age 18 years,
Occupation : Student,
R/o. Bortola, Post Navegaon Band,
Ta. Arjunimorgaon, Distt. Gondia. : PETITIONER

...VERSUS...

1. State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Caste Scrutiny Committee,
Nagpur, through its Member Secretary,
Adiwadi Vikas Bhawan, Giripeth, Nagpur. : RESPONDENTS

Shri S.D. Borkute, Advocate for the Petitioner.
Ms. K.S. Joshi, Asstt. Government Pleader for the Respondents.

CORAM : SUNIL B. SHUKRE AND
S.M. MODAK, JJ.

DATE : 10th JUNE, 2019.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard. Rule. Rule made returnable forthwith. Heard finally
by consent.
2. We have gone through the certificate of validity granted by

Nagpur Scrutiny Committee on 15.3.2007 to one Waman Baburao Mankar as he belonging to “Mana” Scheduled Tribe. We have also gone through the impugned order. The impugned order considers the certificate of validity granted to Waman Baburao Mankar. He claimed to be paternal uncle of the petitioner. The impugned order does not dispute his such relationship with the petitioner. But, the impugned order finds that certificate of validity granted to Waman is improper, having been issued without making any analysis and without considering the affinity of Waman to the social group categorized as a “Mana” Tribe. In short, the impugned order sits in appeal over the validity certificate so granted to said Waman in order to disallow the claim of the petitioner. Such an approach adopted by the Scrutiny Committee in the present case is not permissible in law. The Scrutiny Committee is not an authority having jurisdiction in law to review its own order. If the Scrutiny Committee was to discard this certificate of validity, it could have done so only after the validity so granted to said Waman was withdrawn, cancelled or quashed by a Court of competent jurisdiction and till that time, it was incumbent upon the Scrutiny Committee to follow the view already taken in the matter. If this were not to happen, an anomalous situation would arise wherein within the same family, there would be different persons belonging to different tribes or social groups or castes.

3. In the circumstances, we find that the impugned order to be

not sustainable in the eye of law.

4. Writ Petition is allowed.
5. The impugned order is quashed and set aside.
6. The Scrutiny Committee is directed to grant certificate of validity to the petitioner as she belonging to “Mana” Scheduled Tribe within a period of eight weeks from the date of receipt of the order.
7. Rule is made absolute in these terms. No costs.

JUDGE

JUDGE

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