

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH

WRIT PETITION NO. 6385 OF 2018

Ravikumar s/o Dakram Chauke,  
aged about 28 years, occupation –  
Service, r/o Tudmapuri, Post -  
Satalwada, Tahsil – Sakoli,  
District – Bhandara.

... PETITIONER

Versus

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

2. The Executive Engineer,  
Maharashtra State Electricity  
Distribution Co. Ltd. (MSEDCL),  
office at 2<sup>nd</sup> Floor, Administrative  
Building, Arni Road, Yavatmal  
Division, Yavatmal 445 001.

... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.

Mrs. K.R. Deshpande, AGP for respondent No. 1.

Shri A.D. Mohgaonkar, Advocate for respondent No. 2.

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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 this petition is that even though the forefathers of the petitioner from the paternal side belonging to “*Mana*” is revealed by three documents of pre-constitution period, the petitioner has been denied the validity to his Caste Certificate showing him 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 petitioner 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 petitioner is 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 petitioner.

3. In view of the above, we find that this petition deserves to be allowed and the same is allowed accordingly. Respondent – Committee is directed to issue validity to the claim of the petitioner 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 30.08.2018. The impugned order dated 30.08.2018 is accordingly quashed and set aside.

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

Certified copy expedited.

**JUDGE**

**JUDGE**

\*GS.