

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

Writ Petition No. 6304 of 2012

Pratibha daughter of Ramesh  
Jivatode,  
aged 25 years,  
occupation student,  
resident of Rajura,  
Tq. & Distt. Chandrapur. &.. Petitioner.

Versus

1. The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
Gadchiroli.
2. The Director,  
Maharashtra State Education  
Research & Training Council,  
Pune.
3. The Principal,  
Swa Ramchandra Dhote  
Adhyapak Vidyalaya,  
Rajura,  
Distt. Chandrapur. .... Respondents.

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Mrs. Geeta Tiwari, Adv., for the petitioner.

Mr. P.B. Patil, Adv., for respondent no.1.

None for respondent no.2.

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CORAM : A.B. CHAUDHARI AND,  
Z.A. HAQ, JJ.

Date : 19<sup>th</sup> December, 2013.

ORAL JUDGMENT [Per Z.A. Haq, J.]:

01. Rule. Rule is made returnable forthwith.  
Learned Adv. Mr. P.B. Patil waives service on  
behalf of respondent no.1. None for respondent no.  
3, though served.

02. The petitioner has filed this Writ Petition  
challenging the decision of the Caste Scrutiny  
Committee invalidating the Caste Certificate of the  
petitioner to the effect that the petitioner

belongs to Mana - Scheduled Tribe.

03. The petitioner had obtained the Caste Certificate showing that she belongs to Mana - Scheduled Tribe, from the Competent Authority. The Caste Certificate of the petitioner was submitted to the Caste Scrutiny Committee for verification. In the meantime, the petitioner has taken admission in D.T.Ed. Two-year Course in the respondent no.3-College. The Caste Scrutiny Committee, by the impugned order, invalidated the Caste Certificate of the petitioner and, therefore, the petitioner has filed this Writ Petition.

04. Mrs. Geeta Tiwari, the learned counsel for the petitioner, has submitted that the Caste Scrutiny Committee has not properly considered the important documents of 12<sup>th</sup> August, 1947, 1964 and 1968 and has illegally rejected the caste claim of

the petitioner on the erroneous ground that the ordinary place of residence of the petitioner does not fall within the area scheduled for Mana - Scheduled Tribe. The learned Adv., has further submitted that on 1<sup>st</sup> October, 2008, the Caste Scrutiny Committee has issued the Validity Certificate in favour of Ku. Monika Ramesh Jivtode, the real sister of the petitioner, to the effect that said Ku. Monika Jivtode belongs to Mana - the Scheduled Tribe.

05. Mr. P.B. Patil, the learned Adv., for the respondent no.1, has supported the impugned decision of the Caste Scrutiny Committee, and has submitted that as per the law laid down by the Hon ble Supreme Court, each case has to be considered and decided on its own facts and the Caste Scrutiny Committee has dealt with the matter accordingly and after examining the documents

submitted by the petitioner, has rightly come to the conclusion that the petitioner has failed to substantiate her claim.

06. We have heard the learned Adv., for the petitioner and the learned Adv., for the respondent no.1-Caste Scrutiny Committee. No one has put in appearance on behalf of respondent nos. 2 and 3.

07. The Caste Scrutiny Committee has rejected the caste claim of the petitioner mainly on the ground that the place of permanent residence of the petitioner is Dadapur, Post-Shegaon [Bk.], Tq. Warora, District Chandrapur, and it does not fall in the area which has been scheduled for the Mana - Scheduled Tribe. In our view, the reason given by the Caste Scrutiny Committee is not proper and it vitiates the impugned decision.

08. In any case, it is undisputed that the Caste Scrutiny Committee has issued the Caste Validity Certificate in favour of Ku. Monika Ramesh Jivtode, the real sister of the petitioner, to the effect that Ku. Monika Ramesh Jivtode belongs to Mana - Scheduled Tribe. It is not the case of the Caste Scrutiny Committee that Ku. Monika Ramesh Jivtode has obtained the Caste Validity certificate by misrepresentation or playing fraud. Even before this Court, the Caste Scrutiny Committee has not made any submission that they feel it necessary to re-consider their decision in favour of Ku. Monika Ramesh Jivtode. In this situation, the matter is covered by the Judgment of this Court given in the case of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & others [2010 (6) Mh.L.J. 401].

09. In view of the above, the Writ Petition is

allowed. The impugned decision passed by the Caste Scrutiny Committee on 05<sup>th</sup> October, 2012 is quashed. The Caste Scrutiny Committee is directed to issue the Caste Validity Certificate to the petitioner, to the effect that the petitioner belongs to Mana - Scheduled Tribe within four weeks from today. The respondent nos. 2 and 3 are directed to take all the necessary consequential steps pursuant to the findings given in this Judgment.

10. In the circumstances, the parties to bear their own costs.

Judge

Judge

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