

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

**WRIT PETITION NO.7032/2017**

**PETITIONER:** Mayuri d/o Damodar Sherkure  
Aged about 21 years, Occ. Student,  
R/o Saradpar, Post – Masali,  
Tah. Chimur, Distt. Chandrapur.

**...VERSUS...**

**RESPONDENTS:** 1. The Joint Commissioner,  
Scheduled Tribe Caste Certificate  
Scrutiny Committee, Gadchiroli Division,  
Gadchiroli through its Member.

2. The Directorate of Medical  
Education & Research, Mumbai.

3. The Dean, Government Medical College,  
Akola, Distt. Akola.

4. The Vice-Chancellor/Registrar,  
Maharashtra University of Health,  
Sciences (MUHS), Mhasrul Road, Nasik.

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Ms P.D. Rane, Counsel for petitioner  
Shri A.M. Joshi, AGP for respondent nos.1 to 3

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**CORAM : R.K. DESHPANDE AND  
ARUN D. UPADHYE, JJ.**  
**DATE : 12/06/2018**

**ORAL JUDGMENT (PER : R.K. DESHPANDE, J.)**

1. Rule, made returnable forthwith. By consent, the writ  
petition is heard finally.

2. The challenge in this petition is to the order dated 27/10/2017 passed by the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, Division Nagpur, invalidating the claim of the petitioner for Mana Scheduled Tribe, which is an entry at serial no.18 in the Constitution (Scheduled Tribes) Order, 1950.

3. The claim of the petitioner was verified for the purposes of her admission to first year M.B.B.S. course.

4. In our view, it is not necessary for us to deal with all the findings recorded by the Scrutiny Committee, as all of them have been dealt with by this Court in the decision in the case of Gajanan s/o Pandurang Shende...Versus...Head-Master, Govt. Ashram School, Dongargaon Salod and others, reported in 2018 (2) Mh.L.J., 460.

5. The petitioner produced before the Scrutiny Committee the document – P1, which is a revenue record in the name of Bhiva Karu, the great great grandfather of the petitioner containing entry “Mana” made in the year 1920-23. The another document produced

is the school leaving certificate in the name of Shriram Keva, who is grandfather of the petitioner containing entry “Mana” in the caste column made on 23/3/1944. The petitioner has also produced caste validity certificate issued in the name of Damodhar Shriram Sherkure, the father of the petitioner certifying his caste for Mana Scheduled Tribe on 21/2/2008. The another caste validity certificate in the name of Anil Manohar Sherkure, the cousin of the petitioner validating his claim for Mana Scheduled Tribe on 3/8/2007 is also produced on record.

6. The Police Vigilance Cell report states that the petitioner has established her claim for Mana Scheduled Tribe on the basis of the documentary evidence. It further holds that it does not possess the traits, characteristics and customs prevailing in the Mana Scheduled Tribe and therefore, it was unable to judge the claim of the petitioner on the basis of affinity test. The Research Officer accompanying the Committee has endorsed the view expressed therein.

7. On the basis of the caste validity certificates issued in the name of the father and the cousin of the petitioner on 21/2/2008 and 3/8/2007 and the law laid down by the Division Bench of this Court in the decision in the case of Apoorva d/o Vinay Nichale...Versus...Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010 (6) Mh.L.J. 401, in our view, the Committee had no option but to validate the claim of the petitioner for Mana Scheduled Tribe.

8. The documents produced on record of the three constitutional validities having probative value clearly establish the claim of the petitioner for Mana Scheduled Tribe and there is not even a single document available on record of the Committee showing the caste of the petitioner other than Mana.

9. In view of the law laid down by us in the decision in the case of Gajanan s/o Pandurang Shende...Versus...Head-Master, Govt. Ashram School, Dongargaon Salod and others, reported in 2018 (2) Mh.L.J., 460, the claim of the petitioner for Mana Scheduled Tribe is required to be validated.

10. In the result, this writ petition is allowed and the following order is passed.

**ORDER**

(i) The order dated 27/10/2017 passed by the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, Division Nagpur is hereby quashed and set aside.

(ii) The claim of the petitioner for Mana Scheduled Tribe which is an entry at serial no.18 in the Constitution (Scheduled Tribes) Order, 1950 is held to be valid.

(iii) The Scrutiny Committee is directed to issue caste validity certificate in the name of the petitioner accordingly within a period of ten days from today.

(iv) The petitioner shall be entitled to all benefits as a candidate belonging to Mana Scheduled Tribe category and the respondents - authorities are directed to process the claim of the

petitioner for admission to first year M.B.B.S. course as a candidate belonging to Scheduled Tribe category on the basis of this judgment without even waiting for the receipt of caste validity certificate from the Scrutiny Committee.

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

**(Arun D. Upadhye, J.)**

**(R.K. Deshpande, J.)**

Wadkar, P.S.