



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

WRIT PETITION NO. 3764/2018

(Piyush S/o Ashok Garate vs. State of Maharashtra & ors.)

WITH

WRIT PETITION NO. 4205/2018

(Nivida D/o Wadudeo Shrirame vs. The Vice Chairman/Member Secretary, STCCSC, Gadchiroli & ors.)

WITH

WRIT PETITION NO. 4155/2018

(Pranav S/o Anant Dohatre vs. The Vice Chairman/Member Secretary, STCCSC, Gadchiroli & ors.)

WITH

WRIT PETITION NO. 4206/2018

(Khushal S/o Gulabrao Sarpate vs. The Vice Chairman/Member Secretary, STCCSC, Gadchiroli & ors.)

WITH

WRIT PETITION NO. 4207/2018

(Sudhanshu S/o Hemant Gajbe vs. The Vice Chairman/Member Secretary, STCCSC, Nagpur & ors.)

WITH

WRIT PETITION NO. 4208/2018

(Atharva S/o Devendra Gajbe vs. The Vice Chairman/Member Secretary, STCCSC, Nagpur & ors.)

WITH

WRIT PETITION NO. 4209/2018

(Mahesh S/o Madhukar Gaikwad vs. The Vice Chairman/Member Secretary, STCCSC, Gadchiroli & ors.)

WITH

WRIT PETITION NO. 4210/2018

(Sumit S/o Ganesh Bharde vs. The Vice Chairman/Member Secretary, STCCSC, Gadchiroli & ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND

Z.A.HAQ, JJ.

DATED : 30/07/2018

1] Heard Advocate M.P. Khajanchi a/b Advocate M.I. Dhattrak, Advocate Preeti D. Rane for petitioners, Shri D.P. Thakare, Addl. GP and Shri N.R. Patil, AGP for respondent/State Authorities.

2] In all these matters, challenge is to the order of Scrutiny Committee invalidating the caste claim as Mana Scheduled Tribe.

3] We have individually looked into the facts.

4] The fact that the petitioners have got validities issued by competent Scrutiny Committee in favour of relations is not in dispute. Fact that in all documents, caste is recorded either as Mana or Mane or Mani is also not in dispute. None of these documents are found to be interpolated or tampered. The Scrutiny Committee has been carried away by the fact that in Vidarbha area, a caste by name Mana exists and the documents of persons belonging to that caste mention entries like Kunbi Mana, Badwaik Mana etc. However, in present matters, committee has not found any such entries.

5] We may refer to W.P. No. 3764/2018 only to indicate how the committee has applied its mind. There the committee has in its order dated 26/06/2018 in its finding against issue no. 2 availability of Mane as agricultural caste is noted. However just before undertaking discussion on issue no. 2, the committee has also noted that in case of community to which petitioner belongs, police vigilance authorities have found Kunbi Mana, Mani and Mane entries. Thus because of general observations ignoring the facts apparent on record, the caste claim has been invalidated. It is not in dispute that father of petitioner Ashok Garate has been given validity on 11/01/2008 and in W.P. No. 3299/2013, the Division Bench of this Court has on 10/11/2017 given validity to Vilas S/o Tukaram Garate (cousin of petitioner). The judgment of this Court has attained finality.

6] We have mentioned facts in W.P. No. 3764/2018 only to bring on record the line of application of mind by

Scrutiny Committee. In other matters also line is identical. In all those matters, again relatives on paternal side have validities.

7] Scrutiny Committee has also commented upon absence of material to demonstrate that ancestor of petitioner hail from particular area in which before 1976, the community was recognized as Scheduled Tribe. It is matter of record that after the Constitution (Scheduled Tribes) Order, 1950, Scheduled Tribe communities restricted to a particular area were only recognized as Scheduled Tribe. Thus people of that community residing elsewhere in State of Maharashtra were not entitled to claim said status. In 1976, after removal of area restriction, situation has undergone change and hence a person of that community staying anywhere in State of Maharashtra is entitled to claim that status. If such person can establish that his ancestors hail from such restricted area, that will be a positive material to corroborate correctness of scheme. However, absence of such material cannot be used to out right reject his claim.

8] In this situation, we find impugned orders unsustainable. Accordingly orders dated 26/06/2018, 28/06/2018 and 29/06/2018 are quashed and set aside. Respective committees are directed to issue validity to petitioners as candidates belonging to Mana Scheduled Tribe forthwith.

9] Petitions are disposed of accordingly. No costs.

JUDGE

JUDGE

Ansari