



Judgment



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

WRIT PETITION NO. 4842 OF 2018.

Ishwar s/o Damodhar Nannaware,
Aged about 25 yrs. Occupation - Student
resident of Ward No. 15, Dhangarpura,
Hingna, Tah. Hingna, District
Nagpur 441110.

... **PETITIONER.**

VERSUS

1. The Vice-Chairman/Member
Secretary, Scheduled Tribe Caste
Certificate Scrutiny Committee,
Gadchiroli.

2. The Principal,
Abha Gaikwad Patil College of Engineering
Nagpur.

3. The Vice-Chancellor/Registrar,
Rashtrasant Tukdoji Maharaj
Nagpur University
Nagpur.

... **RESPONDENTS.**

Ms. P. Rane, Advocate for the Petitioner.
Ms. M.A. Barabde, AGP for Respondent No.1.

CORAM : B.P. DHARMADHIKARI
AND Z.A HAQ, JJ.

DATE : AUGUST 03, 2018.

ORAL JUDGMENT : (PER B.P. DHARMADHIKARI, J).

Heard Ms. P. Rane, learned Counsel for the petitioner and Ms. M.A. Barabde, learned A.G.P. for respondent no.1 - Committee. As the order of Scrutiny Committee dated 02.07.2018, is impugned in the present petition, service on other respondents, is dispensed with. With consent of the learned counsel appearing in the matter and considering the nature of controversy, Writ Petition is taken up for final disposal by issuing Rule, making the same returnable forthwith.

2. All documents looked into by the respondent Scrutiny Committee mentions caste as 'Mana'. There is not a single document in which some other caste has been mentioned.

3. The order impugned therefore, proceeds only on the basis of an assumption and then applies affinity test.

4. Similar issues are looked into by this Court in a judgment reported at **2018 (2) Mh.L.J. 460 (Gajanan Pandurang Shende .vrs. Head Master, Govt. Asharm School, Dongargaon Salod and others).**

5. In present matter the oldest document looked into is of December, 1947. None of the documents are found to be fabricated. We therefore, find the impugned order unsustainable. It is accordingly quashed and set aside. Respondent no.1 Scrutiny Committee is directed to immediately issue validity in favour of petitioner.

6. Writ Petition is accordingly allowed. Rule is made absolute in aforesaid terms, with no order as to costs.

JUDGE

JUDGE

Rgd.