



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

WRIT PETITION NO. 6182/2023

Ajay Govindswami Dara

vs.

State of Maharashtra, through its Secretary, Tribal Development
Department, Mumbai and others.

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Shri R.K.Mendadkar, Advocate with Shri Gopal Mishra, Advocate for petitioner.

Ms D. V. Sapkal, Assistant Government Pleader for respondent nos.1 and 2.

None for respondent nos. 3 and 4 though served.

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CORAM :- A.S.CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE :- 3rd NOVEMBER, 2023

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Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner has raised a challenge to the order dated 31.12.2018 passed by the Scrutiny Committee invalidating the petitioner's claim of belonging to 'Mannewar' Scheduled Tribe.

3. Shri R.K.Mendadkar, learned counsel for the petitioner submits that the claim of the petitioner's daughter had been invalidated by the Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane. That order was the subject matter of challenge in Writ Petition No.453 of 2021 (*Kum. Sanika Ajay Dara vs. State of Maharashtra and others*) before the Principal Seat. By the judgment dated 08.09.2023 the claim of the petitioner's daughter has been upheld and a direction has been issued to grant her validity certificate. Consequentially, the order passed by the Scrutiny Committee was set aside. It is therefore prayed that following that adjudication, the claim of the petitioner be allowed.

4. Ms D.V. Sapkal, learned Assistant Government Pleader for respondent nos. 1 and 2 seeks time by submitting that record of the Scrutiny Committee is yet to be received.

5. Since we find that the claim of the petitioner's daughter has been upheld after considering the entries of the years 1941, 1945 and 1946 which are all pre-independence documents, a different view on the basis of the said documents that are relied upon by the petitioner cannot be taken.

6. In these facts, we are inclined to follow the decision in *Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee, Division No.1 and others* [2010(6) *Mh.L.J.* 401] . Accordingly, for the reasons assigned in *Sanika Ajay Dara* (supra), the following order is passed:

- (i) The order dated 31.12.2018 passed by the Scrutiny Committee is set aside. It is declared that the petitioner has proved that he belongs to 'Mannewar' Scheduled Tribe.
- (ii) Within a period of four weeks of receiving copy of this order, the Scrutiny Committee shall issue validity certificate to the petitioner.
- (iii) The respondent nos. 3 and 4 to take consequential steps in the light of this order.

7. Rule is made absolute in aforesaid terms with no order as to costs.

(ABHAY J. MANTRI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.