

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

WRIT PETITION NO.4799/2018

PETITIONER : Vishwanath s/o Shankar Shende
Aged about 49 years, Occ :
Service R/o Chora, Tah. Bhadrawati,
Distt. Chandrapur.

...VERSUS...

RESPONDENTS: 1. State of Maharashtra,
through its Secretary, Tribal Development
Department Mantralaya, Mumbai – 32.

2. Scheduled Tribe Certificate
Scrutiny Committee, Gadchiroli
Through its Chairman, Committee for
Scheduled Tribe Claims, Office at Complex
Area, Gadchiroli, Tq. & Distt. Gadchiroli.

3. Superintendent of Police,
Gadchiroli, Tq. & Dist. Gadchiroli.

4. Assistant Sub-Inspector,
Kurkheda, Tah. Kurkheda, Distt. Gadchiroli.

5. Sub-Divisional Officer, Warora,
Tah. Warora, Dist. Chandrapur.

Shri P.P. Dhok, Counsel for petitioner
Mrs. M.H. Deshmukh, AGP for respondents

**CORAM : S.B. SHUKRE AND
ARUN D. UPADHYE, JJ.**
DATE : 07/01/2019

ORAL JUDGMENT (PER : S.B. SHUKRE, J.)

1. Heard learned Counsel for the petitioner and learned Assistant Government Pleader for the respondents. Learned Assistant Government Pleader for the respondents seeks further time to file reply in the matter.

2. We do not think that the prayer can be now granted as already sufficient time has been granted to the respondents and therefore, the prayer for grant of further time is rejected.

3. Heard. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel for the parties.

4. It is not in dispute that son of the petitioner, namely, Swapnil has been issued validity certificate as he belonging to “Mana-Scheduled Tribe” by the respondent no.2 – Scrutiny Committee, as per the order passed by the Division Bench of this Court on 29/10/2018 in Writ Petition No.5463/2018.

5. It is also not in dispute that the blood relatives of the petitioner, namely, Vijay Vitthal Shende, Nikhil Vishwanath Shende, Nilesh Mahadeorao Shende and Ku. Manisha Vijay Shende, who are either cousins or son or real sister of the petitioner also been issued

caste validity certificate, as they belonging to “Mana-Scheduled Tribe” by the respondent no.2 – Committee, following various orders, passed by the superior Courts in different matters.

6. Such being the case of the petitioner, we do not think that there is any justification now existing for depriving the petitioner of the same benefit, as all his blood relatives including his own son and real sister has been granted by the respondent no.2 – Committee. This case is squarely covered by the judgment of this Court rendered in Writ Petition No.5463/2018 dated 29/10/2018.

7. The writ petition is, therefore, allowed. The impugned order is quashed and set aside. The respondent no.2 - Committee is directed to grant validity to the petitioner as he belonging to “Mana-Scheduled Tribe”, forthwith.

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

JUDGE

JUDGE

Wadkar, P.S.