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

WRIT PETITION NO. 2268 OF 2023

Devyani S/o. Ravindra Ingale,
Aged about 22 years, Occ. Private Service,
R/o. C/o. Ravindra Ingale, Bhavani Vesh,
Tq. Daryapur, Dist. Amravati. . . . PETITIONER

// V E R S U S //

1. Scheduled Tribe Certificate Scrutiny Committee, Amravati Division, Amravati.

2. The Shree Hanuman Vyayam Prasarak Mandal's College of Engineering & Technolongy, Amravati through Principal, Office at H.V.P.M. Campus, Hanuman Vyayam Nagar, Amravati-444605.

3. Sant Gadge Baba Amravati University, Amravati through its Registrar.

(Respondent nos. 2 and 3 added as per Court's order dated 01.08.2023) . . . RESPONDENTS

Shri Atul B. Mahajan, Advocate for petitioner.
Shri N. R. Patil, AGP for respondent no. 1/State.
Ms. Sakina Dawood a/w. Mrs. Gauri Venkatraman, Advocate for respondent no.3.

CORAM :- VINAY JOSHI &
M. W. CHANDWANI, JJ.

DATED :- 26.07.2024

ORAL JUDGMENT (PER: VINAY JOSHI, J.):-

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

3. The petitioner's caste claim for "Thakur" Scheduled Tribe, which is enlisted at Sr. No. 44 of the Constitution (Scheduled Tribe) Order, 1950 has been rejected by respondent no. 1-Committee vide order dated 17.11.2022, which is the subject matter of challenge in this petition.

4. The petitioner would submit that his caste claim was forwarded to the Committee for verification and issuance of validity certificate along with several pre-constitutional documents showing the entry of "Thakur" caste. Particularly, the petitioner led emphasis on the documents, which are at Sr. Nos. 12, 13, 27 and 28 referred to by the Committee in its order dated 17.11.2022 showing entry of "Thakur" caste. The petitioner would submit that only on account of stray/adverse documents, her claim was rejected. Particularly, the caste claim of the petitioner was relied on the claim of her uncle- Sanjay Ingle, which was allowed by this Court in Writ Petition No. 6120/2018 with 164/2020 vide order dated 02.05.2024. According to the petitioner, the adverse documents have already been considered by this Court but, having regard to the old entries, the validity was directed to be issued to her uncle-Sanjay Ingle.

5. The relationship of the petitioner with her uncle- Sanjay Ingle reflects in the genealogy tree, which is not denied by the Committee. In the said context, we have gone through the decision rendered by this Court in Writ Petition Nos. 6120/2018 and 164/2020, particular para no. 9 of the decision in which this Court has referred the adverse document of the year 1935 showing caste entry as 'Bhat'. However, by assigning the reasons, it has been discarded. This Court took note of the documents from the year 1938 to 1950, showing consistent entry of "Thakur" caste, which weighed in granting validity to the petitioner therein. In the wake of the above decision, we have reassessed the entire material produced on record. The petitioner has produced oldest document of the year 1938, showing the entry of "Thakur" caste in the Revenue Record. It was followed by entry of "Thakur" caste in the sale-deed executed in the family and some other documents.

6. As regards to the adverse documents dated 05.08.1938 and 03.02.1935, this Court in the above referred decision discarded its applicability. It remains that besides a single adverse entry, there are consistent entries of "Thakur" caste in the record produced by the petitioner. In the case of ***Apoorva D/o.Vinay Nichale Vs. Divisional Caste Certificate Scrutiny [2010 (6) Mh.L.J. 401],*** this Court has expressed that if a prior validity is issued to a blood relative in the family then the

applicant is also entitled for validity. We are aware that the validity of petitioner's uncle- Sanjay Ingle was not before the Committee. However, this count has discard the adverse documents and particularly, on the same set of documents, validity was directed to be issued. In the circumstances, we are of the considered view that the petitioner has established her claim for "Thakur" Scheduled Tribe.

7. In view of the above, the petition is allowed. We hereby quash and set aside the impugned order dated 17.11.2022 passed by the Committee.

8. It is declared that the petitioner belongs to "Thakur" Scheduled Tribe. The Committee is directed to issue caste validity certificate of "Thakur" Scheduled Tribe to the petitioner within four weeks.

9. The respondent nos. 2 and 3 are directed to release Mark List and Degree Certificate upon the petitioner producing caste validity certificate, subject to other compliances, if any, as per rules.

10. Rule is made absolute in the above term. No costs.

(M. W. CHANDWANI, J.) (VINAY JOSHI, J.)

RR Jaiswal