



78-J-WP-1330-22, 3128-22

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

WRIT PETITION NO.1330 OF 2022

1. Deepak S/o Ramkrishna Pinjarkar,
aged about 56 years, Occ. Service,
R/o Madhumalti Apartment,
Mohite Plot, Umari Naka, Akola
2. Jyoti d/o Ramkrishna Pinjarkar,
aged about 52 years, Occ. Service,
R/o C/o C. D. Bendre, Gilani Nagar,
Behind Post Office, Yavatmal
3. Sangeeta d/o Ramkrishna Pinjarkar,
aged about 49 years, Occ. Service
R/o Mangilal Plot, Camp Road,
Amravati
- ~~4. Gauri d/o Deepak Pinjarkar
(Deleted)~~
5. Pradnya d/o Ramesh Pinjarkar,
aged about 42 years, Occ. Service,
R/o Unnati Nagar, Dattakrupa
Apartment, Kaulkhed, Akola

... Petitioners

-vs-

1. Scheduled Tribe Caste Scrutiny
Committee, Through its Vice President,
Member Secretary, Having its office
Near Government Rest House, Old Bypass
Road, Chaprashshi Pura, Amravati 444602
2. Dr Punjabrao Deshmukh Agriculture University,
Through its Registrar, having its office at
Krushi Nagar, Akola
3. The Chief Executive Officer,
Zilla Parishad, Yavatmal
4. Shri Bulidan Rathi Deaf and Dump
Vidyalaya, Through its Secretary,
Sai Nagar, Amravati
- ~~5. Adarsha Junior College
(Deleted)~~
- ~~6. Associate Dean,~~

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College of Agriculture
(Deleted)

7. The Chief Executive Officer
Zilla Parishad, Amravati

... Respondents

WITH
WRIT PETITION NO.3128 OF 2022

Gauri d/o Deepak Pinjarkar,
aged about 21 years, Occ. Student,
R/o Madhumalti Apartment,
Mohite Plot, Umari Naka, Akola

... Petitioner

-vs-

1. Scheduled Tribe Caste Scrutiny
Committee, Through its Vice President,
Member Secretary, Having its office
Near Government Rest House, Old Bypass
Road, Chaprashshi Pura, Amravati 444602

2. Adarsha Junior College,
Through its Principal,
Office at Gupte Marg,
Jatharpeth, Akola

3. Associate Dean,
College of Agriculture,
Dr P.D.K.V. Campus, Akola

... Respondents

Shri S. P. Palshikar, Advocate for petitioners.
Ms K. R. Deshpande, Assistant Government Pleader for respondent No.1 & 2.
Shri S. M. Bhangde, Advocate for respondent No.7 in WP No.1330/2022.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : August 10, 2022

Common Judgment : (Per : A. S. Chandurkar, J.)

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

The challenge raised in these writ petitions is to the
common order dated 03/01/2022 passed by the Scrutiny Committee
invalidating the tribe-claim of the petitioners of belonging to 'Raj'

(Scheduled Tribe). All the five claims were invalidated by the aforesaid common order passed by the Scrutiny Committee. Writ Petition No.1330/2022 has been filed by four claimants while Writ Petition No.3128/2022 has been filed by the fifth claimant.

2. The learned counsel for the petitioner has filed pursis along with copy of the judgment in Writ Petition No.5384/2019 (*Ram B. Pinjarkar and ors. vs. The Scheduled Tribes Caste Certificate Scrutiny Committee*) dated 26/07/2022. In that writ petition the claim of the sister of petitioner Nos.1 to 3 in Writ Petition No.1330/2022 was decided. The order passed by the Scrutiny Committee was set aside and it was held that the said sister belong to 'Raj' (Scheduled Tribe). Insofar as petitioner No.5 is concerned, she is the daughter of Ramesh. Ramesh is the cousin brother of Deepak Ramkrishna Pinjarkar who is petitioner No.1 in Writ Petition No.1330/2022. Hence said petitioner Pradnya would also be entitled to benefit of this adjudication. Insofar as Writ Petition No.3128/2022 is concerned, the petitioner is the daughter of petitioner No.1 in Writ Petition No.1330/2022.

3. In view of the fact that the sister of said petitioner Nos.1 to 3 has been held to belong to 'Raj' (Scheduled Tribe) and as the parties are relying on same documents, we find that the petitioners would be

entitled to similar relief as has been granted in Writ Petition No.5384/2019.

4. Accordingly for reasons recorded in the aforesaid judgment dated 26/07/2022, the following order is passed :

- (i) The order dated 03/01/2022 passed by the Scrutiny Committee is quashed and set aside.
 - (ii) It is declared that the petitioners belong to 'Raj' (Scheduled Tribe) which is entry No.18 in the Constitution (Scheduled Tribes) Order 1950.
 - (iii) the Scrutiny Committee shall issue validity certificate to the petitioners within a period of six weeks from receipt of copy of this judgment.
 - (iv) The employer of petitioner No.1 that is respondent No.2 in Writ Petition No.1330/2022 shall release all benefits flowing from issuance of validity certificate. Insofar as petitioner Nos.2, 3 and 5 are concerned, respondent Nos.3,4 and 7 shall grant necessary benefits of validity certificate to the petitioners employed with them.
 - (v) Till the validity certificate is issued, the petitioner in Writ Petition No.3128/2022 is free to rely upon certified copy of the present judgment to indicate that her claim of belonging to 'Raj' (Scheduled Tribe) has been granted.
- Rule in both the writ petitions is made absolute in aforesaid terms. No order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita