

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

WRIT PETITION 4150 OF 2022

Praful Gopal Nehare

Vs.

Scheduled Tribe Certificate Scrutiny Committee, Amravati and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. D. Ratnaparkhi a/w. Shri A. A. Dhawas, Advocate for petitioner.
Shri N. S. Rao, AGP for respondent 1/State.
Shri P. S. Chawhan, Advocate for respondent 2.

**CORAM :- ROHIT B. DEO &
M. W. CHANDWANI, JJ.**

DATED :- 19.06.2023

The petitioner is assailing the order dated 07.06.2021 rendered by respondent 1- Scrutiny Committee which invalidates the Scheduled Tribe certificate obtained by the petitioner on the premise that he belongs to Gond-Gowari Scheduled Tribe.

2. In view of the invalidation of the said certificate, the Commissioner of Chandrapur Municipal Corporation has communicated to the petitioner that the selection of the petitioner as Junior Engineer in the post reserved for Scheduled Tribe is cancelled. This communication dated 22.06.2021 issued by the Commissioner of the Corporation is also assailed.

3. The Scrutiny Committee noted that the petitioner initially acquired Special Backward Class (SBC)

certificate and took the benefit of the said certificate while he was student and then applied for Gond-Gowari Scheduled Tribe certificate, which was issued by the Sub-Divisional Officer, Kelapur, District Yavatmal on 28.03.2019.

4. The Scrutiny Committee noted that right from 09.09.1936 to 27.10.1960, which is the crucial period, every entry of the ancestral and close relatives of the petitioner including the great-grandfather is Gowari. While the school record of the petitioner's father- Gopal records Gond-Gowari, subsequently Gopal also secured the SBC certificate on 31.12.2001. The brother of the petitioner has also secured the SBC certificate on 05.01.2019.

5. The Scrutiny Committee has not committed any error in relying on the entries which pertain to pre-constitution period. The law is settled in view of the decision of the Hon'ble Supreme Court in the case of ***State of Maharashtra Vs. Keshao Vishwanath Sonone [(2021) 13 SCC 336]***.

6. We do not find any substance in the petition. The petition is dismissed.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)