

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

WRIT PETITION NO. 4789 OF 2018

PETITIONER : Nikhil S/o Vishwanath Shende,
Aged about 21 years, Occu. Student,
R/o Chora, Tah. Bhadrawati,
District 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. & Dist. Gadchiroli.

3] The Director of Technical Education,
3, Mahapalika Marg, Mantralaya,
Mumbai – 32.

4] The Principal,
Kavi Kulguru Institute of Technology
and Science, Ramtek, Kids College,
Ramtek, Tah. Ramtek, Dist. Nagpur.

5] The Registrar,
Rashtrasant Tukdoji Maharaj Nagpur
University, Civil Lines, Nagpur.

6] Sub-Divisional Officer, Warora,
Tah. Warora, Dist. Chandrapur.

Mr. P. P. Dhok, Advocate for the petitioner.

Mr. Bhagwan M. Lonare, A. P. P. for respondent nos.1 to 3 and 6.

CORAM : SUNIL B. SHUKRE and
PUSHPA V. GANEDIWALA, JJ.
DATE : MARCH 26, 2019.

ORAL JUDGMENT (Per Pushpa V. Ganediwala, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
2. We have heard Mr. P. P. Dhok, the learned counsel for the petitioner and Mr. B.M. Lonare, the learned Additional Public Prosecutor for respondent nos.1 to 3 and 6.
3. By this petition, the petitioner challenges the order dated 16.01.2018 passed by respondent no.2 - Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, thereby invalidating the caste certificate issued by respondent no.5 – Sub-Divisional Officer, Warora, district Chandrapur.
4. The petitioner, in support of his claim to be of 'Mana – Scheduled Tribe', has filed on record a bunch of documents, which includes the pre-constitutional documents too. The pre-

constitutional documents which are revenue documents of the year 1918 – 1919 showing that Bhagu W/o Dagdu Mana, grandmother of the petitioner from paternal side as belonging to “Mana” caste. In addition to it, there are number of validity certificates, the copies of which are placed on record, issued to the blood relatives of the petitioner from paternal side namely Vijay Vithal Shende (Sr.No.45679), Nilesh Mahadeorao Shende (Sr. No. 44378), Bhalchandra Natthuji Shende (Sr.No. 44374), Vijay Vitthal Shende (Sr.No.45679), Arvind Vijay Shende (Sr.No.46746) and Manisha Vijay Shende (Sr. No. 45486) showing their social status to be of “Mana – Scheduled Tribe, issued by the Scheduled Tribe Certificate Scrutiny Committee, Nagpur Division.

5. Apart from this, police verification report which was produced before the Scrutiny Committee is also in favour of the petitioner. All these fact situations would show that this case is squarely covered by the judgment of the Division Bench of this Court rendered in Writ Petition No. 4799/2018 dated 07.01.2019.

6. In this view of the matter, we are inclined to allow this petition and it is allowed accordingly. The impugned order dated

16.01.2018 passed by respondent no.2 - Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli is quashed and set aside. The respondent no.2 – Committee is directed to issue validity certificate in the name of the petitioner within Four weeks from the date of receipt of this order.

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

JUDGE

JUDGE

Diwale