

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

WRIT PETITION NO. 5006/2022

Ishwari D/o. Bhagwat Pawar,
Aged 19 years, Occ. Service,
R/o. Jijau Nagar, Ring Road,
Kaulkhed, Akola.

PETITIONER

-VERSUS-

1. Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati Division,
Old by pass Road, Chaprashipura, Amravati,
Through its Vice Chairman/Jt. Commissioner.
2. Government Polytechnic College,
Murtizapur, Tq. Murtizapur, Dist. Akola
Through its Principal.

RESPONDENTS

Mr. A. P Kalmegh, Advocate for the Petitioner.
Mrs. Prachi Joshi, A.G.P for Respondent (s)/State.

CORAM : SMT. ANUJA PRABHUDESSAI AND
MRS.VRUSHALI V. JOSHI, JJ.

DATE : 08.12.2023.

JUDGMENT : [PER : MRS.VRUSHALI V. JOSHI, J]

1. **Rule.** Rule is made returnable forthwith. Heard finally with consent of the parties.
2. Being aggrieved by the order passed by the Caste Scrutiny Committee, Amravati invalidating the caste claim of the petitioner, the petitioner has filed this petition.

3. The petitioner claims to belong to “Thakur” Scheduled Tribe which is recognized at Serial No.44 in the list of Scheduled Tribe Notification. The caste certificate was issued to the petition on 08.08.2019. On the basis of the said caste certificate, the petitioner got admission in polytechnic course from Scheduled Tribe Category. The petitioner had submitted the proposal for verification of tribe claim to the respondent No.2 College and the College forwarded the tribe claim of the petitioner to the respondent No.1 Scrutiny Committee.

4. The petitioner has submitted pre-constitutional documents and other relevant documents i.e. Birth/Death Extract and the school record etc. related to paternal side blood relatives of the petitioner, wherein entry in regard to caste “Thakur” is mentioned. The proposal for verification of tribe claim of petitioner was forwarded for Vigilance Cell Enquiry on 18.02.2021. The respondent No.1 Committee served the Vigilance Cell Report along with show-cause notice dated 26.11.2021.

5. In the said Vigilance Cell Report, all the documents submitted by the petitioner are found genuine and having entry of caste “Thakur”. However, the Vigilance Cell Officer raised certain objection in respect of certain documents. The Vigilance Cell Officer has raised objection in respect of document related to Vasudev, grand uncle of the petitioner, that there is difference in date of birth in school record and birth record and,

hence, relation does not prove with the petitioner. The petitioner has stated that the respondent Committee by overlooking the aforesaid documents prior to year 1950 and the law laid down by the Hon'ble Apex Court invalidated the claim of the petitioner towards "Thakur" Scheduled Tribe.

6. The learned Assistant Government Pleader has opposed the petition stating that there is no document to show that the petitioner belongs to "Thakur" Scheduled Tribe. The record of school is not available, the date of birth does not match, there is no any other validity from the paternal side of the petitioner, hence prayed to reject the petition

7. Heard both the learned Counsel.

8. The petitioner by filing additional affidavit has produced on record the validity certificate issued to Akash Sudhakar Pawar, the cousin of the petitioner, issued pursuant to the order of this Court. The petitioner has stated that, as per the judgment of ***Apoorva Nichale Vs. Divisional Caste Scrutiny Committee*** reported in ***(2010) 6 Mh.L.J. 401*** on the basis of the validity certificate issued to the blood relative, the validity can be granted. The cousin of the petitioner has received the validity on the basis of the order passed by this Court. Said person has also filed the affidavit in support of the petitioner (father of the petitioner) that the petitioner is his paternal uncle. The name of the said person is also mentioned in the

genealogical tree. Considering the law laid down in the case of **Apoorva Nichale** (supra), the petition is allowed. The impugned order dated 28/02/2022 is set aside. The respondent No.1-Committee is directed to issue caste validity certificate in favour of the petitioner within eight weeks from the date of receipt of the copy of the judgment.

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

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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