



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

Writ Petition No. 3371 of 2018

Petitioner : Sudhakar Motiram Dharne, aged abut 53 years,
Occ: Service, resident of behind Durga Mata
Mandir, Chandrapur Road, Mul, Dist. Chandrapur
versus

Respondents : 1) The Vice-Chairman, Scheduled Tribe Caste
Certificate Scrutiny Committee, Gadchiroli
2) The Zilla Parishad, Chandrapur, through its
Chief Executive Officer
3) The Medical Officer, Primary Health centre,
Kadholi, tahsil Rajura, District Chandrapur

Ms Preeti D. Rane, Advocate for petitioner

Ms M. A. Barabdhe, AGP for respondent no. 1

Shri B. N. Jaypurkar, Advocate for respondents no. 2 and 3

Writ Petition No. 3373 of 2018

Petitioners : 1) Pratiksha d/o Sudhakar Dharne, aged about 22

years, Occ: Student

2) Parimal s/o Sudhakar Dharne, aged about

17 years, Occ: Student

Both residents of behind Durga Mata

Mandir, Chandrapur Road, Mul, Dist. Chandrapur

versus

Respondents : 1) The Vice-Chairman/Member-Secretary, Scheduled
Tribe Caste Certificate Scrutiny Committee,
Gadchiroli
2) The Principal, Rajiv Gandhi College of
Engineering, Research and Technology, Chandrapur
3) The Registrar, Gondwana University, Gadchiroli

Ms Preeti D. Rane, Advocate for petitioner

Ms M. A. Barabdhe, AGP for respondent no. 1

Shri A. V. Khare, Advocate for respondent no. 2

Shri S. A. Marathe, Advocate for respondent no. 3

Coram : S. B. Shukre & S. M. Modak, JJ

Dated : 31st January 2019

Oral Judgment (Per S. B. Shukre, J)

1. Heard learned counsel for the parties. Rule. Heard forthwith by consent of parties.

2. Both these petitions are filed by members of one and the same family. Writ Petition No. 3371 of 2018 has been filed by petitioner Sudhakar Dharne who is father of petitioners Pratiksha and Parimal in Writ Petition No. 3373 of 2018.

3. The ground commonly relied upon by the petitioners for issuance of direction to respondent no. 1 Committee is that real cousin brother of petitioners Pratiksha and Parimal and nephew of petitioner Sudhakar by name Dipak Shalikram Dharne has been granted validity as he belonging to “Mana” scheduled tribe by the Committee for Nagpur Division on 14.3.2006. There is no dispute about the grant of validity to the blood relation on paternal side of the petitioners and, therefore, going by the settled principles of law, we see no reason as to why the petitions should not be allowed.

4. Writ Petitions are allowed. The impugned orders are hereby quashed and set aside. It is directed that respondent no. 1 Committee shall issue the validity certificate to the petitioners as they belonging to

“Mana” Scheduled tribe within four weeks from the date of receipt of this order.

5. Rule is made absolute in the above terms. No costs.

S. M. MODAK, J

S. B. SHUKRE, J

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