

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

WRIT PETITION NO. 1837 OF 2018

Petitioners :

- 1) Akash Manohar Dharne, aged about 21 years, Occ. Student
- 2) Amisha Manohar Dharne, aged about 17 years, Occ. : Student, through natural guardian, father Manohar Narayan Dharne
Both residents of Aadarsh Colony, Tahsil Road, Nagbhid, District Chandrapur

...VERSUS...

Respondents:

- 1) The Chairman/Member-Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli
- 2) The Director, Visvesvaraya National Institute of Technology (VNIT), Nagpur

Ms. Preeti Rane, Advocate for petitioners

Ms. Ketki Joshi, Assistant Government Pleader for respondents

**CORAM:- Sunil B. Shukre &
Smt. Pushpa V. Ganediwala, JJ**

DATED :- 8th April 2019

ORAL JUDGMENT (Per Sunil B. Shukre, J)

1. Rule. Heard forthwith by consent of parties.

2. There are at least two pre-Constitutional documents placed on record by the petitioners in support of their caste claim. First is Jamabandi in respect of land survey number 93 of mouza Kiwdi for the years 1920-23 showing Soma Urkuda, great-great grand-father of the petitioners as belonging to case *Mana*. The second document which forms part of the petition is copy of birth certificate in respect of one Namdeo Sadasiv showing date of birth as 27.08.1943 and caste as *Mana*. This Namdeo Sadasiv is blood relation of the petitioners on paternal side. The relationships of both the above mentioned two persons with the petitioners are not in dispute. If this is the position, we do not think that there is any need to seek further corroboration to the caste claim of the petitioners.

3. In view of what is stated above, we are of the view that the facts of this case are squarely covered by the law laid down by this Court in the case of **Sandip Bapurao Dadmal Vs. The Vice-Chairman/ Member-Secretary of ST Caste Scrutiny Committee & anr.** rendered in W.P. No. 2834 of 2018 on 31st January, 2019 relying upon the cases of *Gajanan Pandurang Shende Vs. Head-Master, Govt. Ashram School and ors.* reported in 2018 (2) Mh. L. J. 460 and *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & ors.* reported in 2011 (6) Mh. L.J. (SC) 919.

4. In the circumstances, the petition deserves to be allowed and it is accordingly allowed. Impugned order is quashed and set aside.

Respondent no. 1-Committee is directed to issue validity certificate to the petitioners as they belonging to *Mana* scheduled tribe, within four weeks from the date of receipt of this order by it.

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

SMT. PUSHPA V. GANEDIWALA, J

SUNIL B. SHUKRE, J

joshi