

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 2560 OF 2018

Rohit s/o Bhaurao Dadmal
aged about 17 years,
occupation – Student, through
natural guardian brother
Sumit s/o Bhaurao Dadmal,
aged about 25 years, occ.
Service, r/o Tirtharup Nagar,
Devai, Govindpur, Tukum,
Chandrapur.

... PETITIONER

Versus

1. The Vice-Chairman/ Member
Secretary, Scheduled Tribe
Caste Certificate Scrutiny
Committee, Gadchiroli.
2. The Principal,
Yashwantrao Chavan College
of Engineering, Hingna Road,
Nagpur.
3. The Vice-Chancellor/ Registrar,
Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur.

... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.
Mrs. S.S. Jachak, AGP for respondent No. 1.
Ms. Aarti Singh, Advocate for respondent No. 2.
Ms. T. Khan, Advocate for respondent No. 3.

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**CORAM : S.B. SHUKRE &
S.M. MODAK, JJ.
JANUARY 28, 2019.**

ORAL JUDGMENT : (PER S.B. SHUKRE, J.)

Rule. Rule is made returnable forthwith and heard finally with the consent of Ms. P.D. Rane, learned counsel for the petitioner, Mrs. S.S. Jachak, learned AGP for respondent No. 1, Ms. Aarti Singh, learned counsel for respondent No. 2 and Ms. T. Khan, learned counsel for respondent No. 3.

2. The petitioner has claimed validity to his caste Certificate showing that he belongs to “Mana – Scheduled Tribe”. The petitioner relies upon the validity granted to his cousin sister on the basis of a pre-constitution document of the year 1929, showing the grand father of the petitioner as belonging to “Mana” caste.

3. There is no dispute about these facts and such being undisputed factual position, the settled principles of law would apply in present case. According to the petitioner, he cannot be discriminated against and would also be entitled to be granted validity as belonging to “Mana – Scheduled Tribe” and rightly so.

4. Writ Petition is, therefore, allowed and disposed of. The order dated 10.04.2018 is quashed and set aside. Respondent No. 1 is directed to issue validity to the Tribe claim of the petitioner at the earliest and in any case within one month from the date of order. Rule is made absolute in above terms. However, there shall be no order as to costs.

JUDGE

JUDGE

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