



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.973/2015

Manjusha/Manjushri Daughter
of Ramesh Chavan, aged about
26 years, Occu. Service, resident
of Ward No.18, Gandhi Nagar,
Chikhali, District Buldhana.

....PETITIONER

...VERSUS...

1. The State of Maharashtra,
through its Secretary, Tribal
Welfare Development,
Mantralaya, Mumbai-32,
2. Scheduled Tribe Certificate
Scrutiny Committee, Amravati
Division, through its Member
Secretary, Irwin Chowk,
Amravati.
3. Maharashtra University of
Health Sciences, through its
Registrar, Wani Road,
Mhasrul, Nashik.
4. The Dean, G.S. Medical
College, Parel, Mumbai.

...RESPONDENT

Shri R.S. Parsodkar, Advocate with Shri P.R. Parsodkar, Advocate for petitioner
Shri A.M. Joshi, AGP for respondent Nos.1 & 2

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..**

**DATE OF RESERVING THE JUDGMENT : 15/01/2024
DATE OF PRONOUNCING THE JUDGMENT: 23/01/2024**

JUDGMENT (PER : SMT. M.S. JAWALKAR, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of Shri R.S. Parsodkar, Advocate with Shri P.R. Parsodkar, learned Counsel for petitioner and Shri A.M. Joshi, learned AGP for respondent Nos.1 & 2.

3. The challenge to the petition is to the order of invalidation of the Caste claim of the petitioner by the Caste Scrutiny Committee, Amravati. The petitioner claims to be belonging to "Thakur" Scheduled Tribe, which is recognized at Sr. No.44 in the Constitution (Scheduled Tribe) Order, 1950. The Petitioner is a Student. It is contended that the petitioner had applied for the verification of her claim for "Thakur" Schedule Tribe for education

purpose through the Principle, Deogiri College, Aurangabad on 28/01/2004. It is contended that the petitioner has been conferred with caste certificate as 'Thakur' Schedule Tribe on 28/08/1995. it is further contended that there are two validity certificate issued by the Scrutiny Committee at Aurangabad to the close relatives of the petitioner; One to the Petitioner's real sister namely Swapna Ramesh Chavhan on 21/04/2001 and other in favour of petitioner's cousin sister namely Priti Sunil Chavan who has been granted validity certificate as "Thakur" Schedule Tribe by Aurangabad Committee on 30/08/2002. There were several pre-independance documents and validity certificate issued to her blood relatives from paternal side which were not considered by the Scrutiny Committee and rejected the claim of the petitioner without any valid reason and passed impugned order.

4. Oldest document is of the year 1915 which is first page of service book of Parvat Ramji who is shown as belonging to Thakur

Scheduled Tribe of the Grand father of Petitioner. Another entry death extract of Rajaram Thakur dated 19/01/1916 Great grand-father of Petitioner. The birth extract of Sitaram Thakur dated 04/07/1933 showing belonging to “Thakur” Tribe. Consistently, in all the documents as many as 103 documents which shows the relatives of the petitioner belonging to “Thakur” Tribe. Similarly, there are documents consistently showing that person in blood relation of the petitioner as belonging to “Thakur” Tribe. Not only this, there is validity certificate issued by Aurangabad Scrutiny Committee in respect of Petitioner’s real sister Sapna Chavan dated 21/04/2001 and her cousin sister Priti Chavan dated 30/08/2002. In the said validity certificate, Priti and Sapna both were shown belonging to Thakur Scheduled Tribe. There is no dispute over genealogical tree and relation of petitioner with Priti and Sapna.

5. In view of decision in Writ Petition No.2685/2022, it is

already held by this Court by the ground of rejection put-forth in the impugned order is illegal as there is no law which restrict, the validity certificate only to the area over which the Scrutiny Committee has its jurisdiction. Once the validity certificate is granted to a claimant, it would become conclusive proof of social status acquired by that person for all purpose and in any territory where such proof is required to be submitted.

6. In our considered opinion, the only reason for not considering those validity certificates appears to be that the same was issued by Scheduled Tribe Scrutiny Committee, Aurangabad. Once the validity certificate is granted to a claimant, it becomes the conclusive proof of the social status acquired by that person for all purpose and in any territory where such proof is required to be submitted. Therefore, such validity certificate can also be used as having sufficient evidentiary value in the caste or tribe claim placed by the other relatives of a person in whose favour, those

certificates are issued. As such, reasoning adopted by the Scrutiny Committee is totally erroneous and contrary to the law laid down by this Court. As such, petitioner is entitled to have his tribe certificate validated by the Scrutiny Committee.

7. The petition is allowed in terms of prayer Clause 'A'. The Scheduled Tribe Certificate Scrutiny Committee, Amravati is directed to issue validity certificate to the petitioner as belonging to "Thakur" Scheduled Tribe within a period of three weeks from the date of this order.

8. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE

R.S. Sahare