

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

**WRIT PETITION NO.5275/2018**

Amruta D/o Nivrutti Kalmenghe,  
Aged about 19 years, Occ. Student,  
R/o at Post- Mohabada Road,  
Near Baoner Marriage Hall,  
Plot No.11, Mohashi Layout, Warora,  
District Chandrapur.

**..PETITIONER**

**--Versus --**

1. The Vice-Chairman/Member-Secretary,  
Scheduled Tribe Caste Certificate  
Scrutiny Committee, Gadchiroli.
2. The Principal,  
Laxminarayan Institute of Technology,  
Barat Nagar, Nagpur.
3. The Registrar/Vice-Chancellor,  
Rashtrasant Tukdoji Maharaj  
Nagpur University, Nagpur.

**.. RESPONDENTS**

Ms P.D.Rane, Advocate, for petitioner.  
Shri A.V.Palshikar, Assistant Government Pleader for respondent no.1.  
Ms. Tajwar Khan, Advocate for respondent no.3.  
None for Respondent no.2 though served.

**CORAM : SUNIL B. SHUKRE &  
PUSHPA V. GANEDIWALA, JJ.  
DATED : 29.04.2019**

**JUDGMENT ( Per Pushpa V. Ganediwala, J.)**

1. **Rule.** Rule is made returnable forthwith and heard finally  
with the consent of the respective parties.

2. The legality and correctness of the order passed by the Scrutiny Committee, thereby invalidating the caste claim of the petitioner as belonging to “Mana” Scheduled Caste, is challenged in this petition.

3. The case of the petitioner is that her caste claim is invalidated by a common order. The counsel for the petitioner has relied upon the document namely Extract of P-1 of her great grandfather - Lava alias Kanhu Mana of the year 1918-19 and submitted that though these documents are pre-constitutional documents, it ought to have been considered by respondent no.1-Scrutiny Committee while deciding the caste claim of the petitioner. Merely because the documents do not mention category “Schedule Tribe”, it could not have invalidated the caste claim of the petitioner. Therefore, the petitioner prays for quashing and setting aside the impugned order passed by the respondent no.1- Scrutiny Committee, Gadchiroli and seek directions to respondent no.1 to issue caste validity certificate in the name of the petitioner as belonging to Mana, Scheduled Tribe.

4. However, the learned counsel appearing for the respondents supported the impugned order and pray for dismissal of the petitions.

5. We have heard the learned counsel for the parties and perused the petitions and the documents annexed to it. There is no dispute about

the genuineness of pre - independence document. The document at P-1 at page 32 of the connected petition bearing W.P. 5274/2018 is of the year 19918-19 issued in the name of Lava alias Kanhu “Mana”, who is said to be a great grandfather of the petitioner. The reference of which are mentioned in column at Sr. No. 67 page 76 in the impugned order of the Committee.

6. The aforesaid pre-independence documents undoubtedly have a greater probative value and, therefore, we do not find that there would any need to look for further corroboration. Besides this, the facts in this petition substantially similar with facts of the petition **Sandip s/o Bapurao Dadmal Vs. The Vice Chairman/Member Secretary of Scheduled Tribe Caste Scrutiny Committee and another (Writ Petition No2834/2018)** decided by this Court on 31<sup>st</sup> January 2018 whereby this Court allowed the petition by relying on the judgment of this Court in **Gajanan Pandurang Shende V. Head-Master, Govt. Ashram School & ors** reported in 2018 (2) Mh.L.J.460. Therefore, we are inclined to allow these petitions.

7. In the result, writ petition is allowed. The impugned order dated 18.06.2018 is hereby quashed and set aside. Respondent no.1-Scrutiny Committee, Gadchiroli is directed to issue validity certificate in the name of the petitioner as belonging to Mana, Scheduled Tribe, within four weeks from the date of receipt of this order. Rule is made absolute in the

above terms. No orders as to costs.

**JUDGE**

*Andurkar..*

**JUDGE**