

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

WRIT PETITION NO.5274/2018,

Chetan s/o Prakash Kalmenghe,
Aged about 26 years, Occ. Service,
R/o. at Dadapur, Post Shegaon(BK),
Tah. Warora, District Chandrapur.

..PETITIONER

--Versus --

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli.
2. The Joint Director of Agriculture,
Nagpur Division, Nagpur,
New Administrative Building No.2,
Civil Lines, Nagpur.

.. RESPONDENTS

Ms P.D.Rane, Advocate, for petitioner.

Shri A.V.Palshikar, Assistant Government Pleader for respondents.

**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 his caste claim is invalidated by a common order. The learned counsel for petitioner has relied upon the documents i.e. School leaving Certificate of 7th standard of the year 1938 and the copy of C.P. & Berar census of the year 1941, both these documents pertain to his grandfather - Dhanoba, 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 seeks 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 petition.

5. We have heard the learned counsel for the parties and perused the petition and the documents annexed to it. Undisputedly, these petitioners are related with each other as seen from the documents annexed to these petitions. The document Annexure-4 at page 29 annexed to this

petition is a School Leaving Certificate dated 21.01.1938 issued in the name of Dhanba, who is grandfather of the petitioner, showing the caste as Mana and the document at Annexure 5- C.P. & Berar Census (page 30), is a certificate issued by Deputy Commissioner, on 20th August 1941 in the name of Dhanba Lawa Mana. The references of which are mentioned in column at Sr.47 page 75 in the impugned order of the Scrutiny 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 are 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 31st 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 the petition.

7. In the result, the 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

JUDGE

Andurkar..