



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

WRIT PETITION NO. 4489 OF 2021

Nandkishor S/o Gunwantrao Pawar

Vs.

The Scheduled Tribe Certificate Caste Scrutiny Committee, Amravati and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders

Court's or Judge's orders

Mr. S.S. Shingane, Advocate for Petitioner
Mr. V.A.Thakare, AGP for Respondent / State
Mr. R.D. Bhuibhar, Advocate for Respondent Nos.2 and 3.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 3rd DECEMBER, 2024

1. Heard Mr. Shingane, learned counsel for the petitioner, Mr. Thakare, learned Assistant Government Pleader and Mr. Bhuibhar, learned counsel for the respondent Nos. 2 and 3.

2. The petition questions the decision dated 15.09.2021, by which the tribe claim of the petitioner belonging to "Thakur" Scheduled Tribe has been rejected (Page 20). The ground for rejection is the entry in respect of Bajya Chandrabhan, grandfather of the petitioner of 03.10.1940 found by the vigilance regarding a son born to him by name Shankar and two other entries regarding the cousin grandfather of the petitioner,

namely Sheshrao Chanrabhan of 24.02.1941, regarding a son namely Ramrao, born to him and so also the entry in respect of the father of the petitioner, namely Gunwant dated 08.10.1947 in the school records.

3. Mr. Shingane, learned counsel for the petitioner submits, that the cousin of the petitioner namely Pandurang had already been granted validity and so also sister of Pandurang, namely Ujwala has also been granted validity, on account of which, the rejection is incorrect. Mr. Thakare, learned Assistant Government Pleader, supports the impugned order. He has also made available to us the R & P.

3. The relationship between applicant Nandkishor and his cousins Pandurang and Ujwala are not denied. It is also not disputed, that Pandurang has been granted validity on 10.12.1919 (page 70). The claim of Ujwala for grant of validity though earlier rejected came to be challenged before this Court by way of Writ Petition No. 3872/2021, in which by the judgment dated 23.12.2022 (page No. 4 of the pursis dated 25.01.2024), by considering the very same documents, and the documents earlier in point of time, namely the extract of Kotwal book register of petitioner's father of the year 1925; extract of Kotwal book entry of their uncle

Gunwantha (father of the petitioner) of the year 1937; the extract of Dakhal Kharij register of Gunwantha of 1937/1947; the extract of Dakal Kharij register of Ramkrushna, her uncle, which mentioned the date of birth 23.10.1940; the extract Dakal Kharij register of Chandrakala; the extract of sale deed of Bajirao of 1936 and 1939 and the great grandfather of Ujwala as well as the petitioner, the claim of Ujwala belonging to “Thakur” Scheduled Tribe has been upheld. In the instant case also the entries at Sr. No.6 and 7 are earlier in point of time, which indicate the tribe of the petitioner’s grandfather having been recorded as “Thakur” and also Sheshrao, the cousin grandfather, which are of 05.09.1937 and 08.06.1938. In view of what has been held in **Anand Vs. Committee of Scrutiny and Verification of Tribe Claims and Others, 2011(6) Mh.L.J. 919**, old entries have probative values and, therefore, would prevail upon the entries later in point of time. We do not see why the earlier entries in respect of the grandfather and cousin grandfather of the petitioner, which record the tribe “Thakur” should not be accepted. Even otherwise, the Scrutiny Committee cannot be permitted to take diametrically opposite views in respect of the persons situated in same genealogy. Since in the instant case, the

relationship is not disputed, considering the discussion made above and by taking into consideration old documents, which have been considered and accepted by this Court in its decision dated 23.12.2022 in Writ Petition No. 3872/2021, we do not see why the claim of the petitioner belonging to “Thakur” Scheduled Tribe should not be accepted. The reasoning of the learned Scrutiny Committee, which are based upon the subsequent entries would, therefore, not stand to reason. In that view of the matter, we hereby quash and set aside the decision of the Scrutiny Committee and declare that the petitioner belongs to “Thakur” Scheduled Tribe and direct the Scrutiny Committee to issue an appropriate certificate in favour of the petitioner within a period of two weeks from the date when the order is presented to the learned Scrutiny Committee. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande