



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

WRIT PETITION NO.6137 OF 2018

Ku. Ashu D/o Tarachand Nannaware,
Aged about : 23 years,
Occupation : Student, R/o Mhasali,
Tah. Chimur, Dist. Chandrapur.

... **PETITIONER**

V E R S U S

The Schedule Tribe Caste
Certificate Scrutiny Committee,
through its Member Secretary and
Deputy Director, Gadchiroli.

... **RESPONDENT**

Shri Ashwin Deshpande, Advocate for petitioner.
Mrs. M. A. Barabde, Assistant Government Pleader for respondent.

**CORAM:- S.B.SHUKRE &
ARUN D. UPADHYE, JJ.**
DATED : 08/01/2019.

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

1. Rule. Rule made returnable forthwith. Heard finally by consent.
2. The documents placed on record show that not only the father of the petitioner but also paternal uncle of the petitioner has been granted validity certificates as they belonging to 'Mana' Scheduled Tribe. The copies of the certificates are available on record at Page Nos.66 and 80 respectively. Shri Tarachand Nannaware and Shri Namdeo Nannaware are the

father and paternal uncle of the petitioner respectively. No dispute about these documents has been raised by the respondents. In such a case, the law is well settled. Even if, the validity has been granted to the blood relatives on the basis of the order of the Superior Court, it would not mean that the case of the validity certificate seeker like the petitioner, could be examined independently than the validity granted to the father and paternal uncle of the petitioner. Once it is declared by the Highest Court of land that the blood relative or relatives have successfully established their claim as belonging to either Scheduled Caste or Scheduled Tribe, the benefit of such declaration, cannot be denied to the other blood relatives like the present petitioner. Useful reference in this regard may be made to the Judgment of Co-ordinate Bench of this Court rendered in a group of petitions starting with Writ Petition No.5171/2018 on 30th August, 2018. Therefore, we see no reason for not allowing the claim of the petitioner in the present case.

3. The petition, therefore, is allowed. The impugned order is hereby quashed and set aside. The respondent is directed to issue Validity Certificate to the petitioner, as she belonging to 'Mana' Scheduled Tribe, at the earliest.

4. Rule is made absolute in above terms and petition is disposed of accordingly. No costs.

JUDGE

JUDGE

Choulwar