

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 5215 OF 2018

Dhanashri D/o Bandu Nannaware,
aged about 18 years, occupation -
Student, r/o Mahesh Nagar, D.G.
Tukum, Ward No. 1, Chandrapur.

... PETITIONER

Versus

The Vice-Chairman/ Member
Secretary, Scheduled Tribe
Caste Certificate Scrutiny
Committee, Gadchiroli.

... RESPONDENT

Shri P.D. Rane, Advocate for the petitioner.
Mrs. M.H. Deshmukh, AGP for the respondent.

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**CORAM : SUNIL B. SHUKRE &
S.M. MODAK, JJ.
FEBRUARY 04, 2019.**

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

Rule. Rule is made returnable forthwith and heard finally with the consent of Ms. P.D. Rane, learned counsel for the petitioner and Mrs. M.H. Deshmukh, AGP for the respondent.

2. One of the grounds taken in this petition is that even though the forefathers of the petitioner from the paternal

side belonging to “*Mana*” is revealed by three documents of pre-constitution period, the petitioner has been denied the validity to her Caste Certificate showing her to be belonging to “*Mana - Scheduled Tribe*”. Insofar as pre-constitution documents are concerned, there is no dispute about the same. These documents undisputedly show that the forefathers of the petitioner were belonging to Mana caste, though the caste Mana was not declared to be Scheduled Tribe and after the issuance of the Constitutional order in the year 1950, this caste has been declared to be a Scheduled Tribe. Therefore, the law, we say, applicable to such cases is well settled. The pre-constitution documents have been taken consistently by the Courts as the documents having great probative value and if anything else is to be looked into, it is only by way of corroboration. Then the issue that arises here is whether the corroboration of these documents of the petitioner are required or not. The answer to this question is in the negative, for the reason that there is no dispute about the pre-constitution documents. The corroboration is a process of appreciation of evidence and it is necessitated only if there is a doubt about the

reliability with the main proof. Such doubt being not there in present case, we find that the respondent – Committee has committed a serious error of law in invalidating the caste certificate of the petitioner.

3. In view of the above, we find that this petition deserves to be allowed and it is allowed accordingly. Respondent – Committee is directed to issue validity to the claim of the petitioner as belonging to “*Mana – Scheduled Tribe*” within a period of four weeks from the date of this order and validity that would be granted by the respondent shall take effect from the date on which previously the claim was invalidated, that is from 17.07.2018. The impugned order dated 17.07.2018 is accordingly quashed and set aside.

4. Writ Petition is disposed of accordingly. Rule is made absolute in above terms. CAW No. 246 of 2019 is also disposed of in above terms. However, there shall be no order as to costs.

Certified copy expedited.

JUDGE

JUDGE

*GS.