



wp5174.18



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH

WRIT PETITION NO. 5174 OF 2018

Shubham s/o Kashiram  
Nannaware, aged about  
17 years, occupation -  
Student, through natural  
guardian father Shri  
Kashiram s/o Maroti  
Nannaware, aged about  
49 years, occupation -  
Service, r/o Mahesh Nagar,  
Tukum, Chandrapur.

... PETITIONER

Versus

1. The Vice-Chairman/ Member  
Secretary, Scheduled Tribe  
Caste Certificate Scrutiny  
Committee, Gadchiroli.
2. The Principal,  
Rajiv Gandhi College of  
Engineer, Research &  
Technology, Chandrapur.
3. The Vice-Chairman/ Registrar,  
Dr. Babasaheb Ambedkar  
Technological University,  
Vidya Vihar, Lonere (Raigarh),  
Maharashtra 402 103.
4. The Directorate of Technical  
Education, Maharashtra State,  
Mumbai 400 001.
5. The State Common Entrance  
Test Cell, Maharashtra State,  
Mumbai through its Commissioner,  
having his office at 8<sup>th</sup> Floor, Near

Excelsior Building, A.K. Naik  
Marg, Fort, Mumbai 400 001.

... RESPONDENTS

Shri P.D. Rane, Advocate for the petitioner.

Mrs. K.R. Deshpande, AGP for respondent Nos. 1 & 4.

Ms. Amruta Gupta, Advocate h/f Shri P.B. Patil, Advocate for  
respondent No. 3.

Shri Nahush Khubalkar, Advocate for respondent No. 5.

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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, Mrs. K.R. Deshpande, AGP for respondent Nos. 1 & 4, Ms. Amruta Gupta, Advocate h/f Shri P.B. Patil, learned counsel for respondent No. 3 and Shri Nahush Khubalkar, learned counsel for respondent No. 5.

2. One of the grounds taken in this petition is that even though the great grand father from the paternal side by name Goma, belonging to “*Mana*” caste has been shown to be of “*Mana*” caste in the revenue document of the year 1918-19,

the petitioner has been denied the validity to his Caste Certificate showing him to be belonging to “*Mana - Scheduled Tribe*”.

3. Insofar as pre-constitution revenue document is concerned, there is no dispute about the same. This document is at page 25 of the paper book. It shows that Goma, undisputedly great grand father of the petitioner, was belonging to Mana caste and this caste, after the issuance of the Constitutional order in the year 1950, has been declared to be a Scheduled Tribe. The law applicable to such cases, we would say, is well settled. The pre-constitution documents have been taken consistently by the Courts as 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 to this document of the petitioner is required or not. The answer to this question is in the negative, for the reason that there is no dispute about the existence or genuineness of this document. 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 respondent No. 1 – Committee has committed a serious error of law in invalidating the caste certificate of the petitioner.

4. The learned counsel for respondent No. 5 has also taken an objection that the last date by which the petitioner ought to have submitted his validity certificate, in terms of the amended provision of Section 4-A of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, was 25.08.2018 and before this date, the petitioner failed to submit his validity and, therefore, it is further submitted by him that the admission given to the petitioner on the basis of the interim order passed by this Court on 14.08.2018 cannot be confirmed by respondent No. 5.

5. With due respect to the learned counsel, we must

say that this is not a case which involves failure on the part of the student to submit a validity from the Scrutiny Committee. This is a case where there is invalidation of caste/ tribe claim of the petitioner by the Scrutiny Committee and when the action of invalidation has been held by the Court to be erroneous in law, the correction that is to follow, would take effect from the date on which original action was taken. This is also the view already taken by the Division Bench of this Court in its judgment dated 12.12.2018 rendered in Writ Petition No. 5977 of 2018 (*Vishal s/o Rameshwar Nannaware vs. The Vice-Chairman/ Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committed, Gadchiroli & Ors.*). The view that we have expressed now is thus already covered by the coordinate Division Bench of this Court dated 12.12.2018. Hence, there is no merit in the submission of respondent No. 5 and it is rejected.

6. In view of the above, we find that this petition deserves to be allowed and it is allowed accordingly. Respondent No. 1 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 respondent No. 1 shall take effect from the date on which previously the claim was invalidated, that is from 10.08.2018. The impugned order dated 10.08.2018 is accordingly quashed and set aside. The confirmation of the admission, already granted to the petitioner, shall also be accorded by respondent No. 5.

7. Writ Petition is disposed of accordingly. Rule is made absolute in above terms. However, there shall be no order as to costs.

Certified copy expedited.

**JUDGE**

**JUDGE**

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\*GS.