

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

**WRIT PETITION NO.6641/2018**

Sapna d/o Ramkrushan Gayakwad,  
Aged about 18 years, Occ. Student,  
R/o Sarangad, Tah.Nagbhid,  
District Chandrapur.

**..PETITIONER**

**--Versus --**

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

**.. RESPONDENT**

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

Mrs. Geeta Tiwari, 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 dated 28.06.2018 passed by the Scrutiny Committee thereby invalidating the caste claim of the petitioner towards "Mana" Scheduled Caste, is challenged in this petition.

3. It is submitted by the learned counsel appearing for the petitioner that though some of the documents are pre-constitutional, it ought to have been considered by the respondent - Scrutiny Committee while deciding the caste claim of the petitioner. Merely because the documents do not mention category "Scheduled Tribe", it could not have rejected the caste claim of the petitioner. Therefore, the petitioner prays for quashing and setting aside the impugned order passed by respondent no.1- Scrutiny Committee and seeks directions to respondent - The Scrutiny Committee to issue caste validity certificate in the name of the petitioner.

5. However the learned APP for respondent supported the impugned order and prays for dismissal of the petition.

6. We have heard the learned counsel for the parties and perused the petition and the documents annexed to it. There is no dispute about the genuineness of pre - independence documents. School Leaving Certificate, Annexure - 4 to this petition of the year 1946 issued in the name of Maroti Goma, who is cousin grandfather of the petitioner, and the document- Extract of P-1 of the year 1918-19 in the name of great grandfather- Dasrya Goma Mana, of the petitioner and Caste Validity Certificate - Annexure 5 to this petition issued in the name of cousin uncle Gulab Maroti Gayakwad of the petitioner, showing the caste as "Mana" Scheduled Tribe, issued on 21.02.2008, by Member Secretary & Dy. Director (Research) Tribal Development Department, Tribal Research & Training Institute, Pune. The

relationship of this petitioner with those persons is not disputed. The references of these documents are mentioned in column at Sr.12 page 33, Sr. No. 17 page 33 and Sr.No.13 page 33 respectively, in the impugned order of the Scrutiny Committee.

7. The aforesaid pre-independence documents undoubtedly has a greater probative value and, therefore, we do not find that there would any need to look for further corroboration. Therefore, we are inclined to allow the petition.

8. In the result, the petition is allowed. The impugned order dated 28.06.2018 is hereby quashed and set aside. The respondent - Scrutiny Committee 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. Writ Petition is disposed of. No orders as to costs.

**JUDGE**

**JUDGE**

*Andurkar..*