



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

WRIT PETITION No.2014 OF 2014

Yadav s/o. Marotrao Waghmare,
Aged about 52 years,
Occupation : Service,
R/o. A-301, Sheetal Apartment,
Chinchpada Road, Near Khadan,
Katemanevali, Kalyan (East),
Distt. Thane.

: PETITIONER

...VERSUS...

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Gadchiroli, Through its Chairman.
2. The Chief Accountant (Finance),
Bruhan Mumbai,
Mahanagar Palika, Mumbai-01.

: RESPONDENTS

Ms. Preeti D. Rane, Advocate for the Petitioner.

Smt. S.S. Jachak, Asstt. Government Pleader for the Respondent No.1.

CORAM : SUNIL B. SHUKRE AND
S.M. MODAK, JJ.

DATE : 18th JUNE, 2019.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard. Rule. Rule made returnable forthwith. Heard finally
by consent.

2. This is a case wherein existence of pre-constitutional document is already acknowledged and admitted by the Scrutiny Committee. This is also a case wherein the persons figured in the preconstitutional document of the year 1921-1922, one Kisan-Isan s/o. Tukaram Mana, has been admitted to be related to the petitioner from the paternal side and yet, this case becomes a medium for propagating a concept of mentioning of the word “tribe” in the pre-constitutional document as mandatory requirement of law. The reservation policy made for uplifting the backward classes, included in the schedule of the Constitution Order 1950 itself came in the year 1950, after the Constitution of India and Constitution Order 1950 came into being. Therefore, it would be a distortion on our part or perversion by any authority, if we maintain or that authority says that a document cannot be believed as a conclusive proof of social status of a person, if it only mentions in the certificate that particular social status and does not append as a suffix to it the word “caste” or “tribe”. This is the only reason given in the impugned order for rejecting the pre-constitutional document and the reason is arbitrary and illogical.

3. In view of above, we are inclined to allow this petition.

4. The petition is allowed.

5. The impugned order is quashed and set aside.

6. The respondent No.1 Committee is directed to issue validity

certificate to the petitioner as he belonging to the “Mana” Scheduled Tribe within a period of four weeks from the date of receipt of the order.

7. Rule is made absolute in these terms. No costs.

Civil Application No.1547/2019.

Application is disposed of in these terms.

JUDGE

JUDGE

वाडोदे