



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No. 6674 OF 2018

Sanika D/o Purushottam Ghodmare
Aged about 17 Years, Occ. Student,
Through Natual Guardian
Father Shri Purushottam S/o Vitthal
Ghodmare, Aged about 48 Years,
Occ. Service,
R/o Urja Nagar Colony, Chandrapur : PETITIONER

...VERSUS...

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

Ms. Preeti D. Rane, Advocate for the petitioner.
Shri D.P.Thakre, Additional Government Pleader for the respondent.

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

DATE : 24th JUNE, 2019.

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

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

2. In this case there are two pre-constitutional documents showing the relatives of the petitioner from the paternal side as belonging to “Mana” caste. These documents are extract of P-9 Revenue Record of the year 1942 standing in the name of Gondba,

the great grand father of the petitioner (Page No.22) and the extract of sale-deed standing in the name of said Gondba (Page No.24), the great grand father of the petitioner. The relationship with the petitioner is not in dispute. So, this case would be governed by the view taken by this Court in the case of **Gajanan S/o Pandurang Shende Vs. Head Master, Government, Ashram School, Dongargaon Salod and others 460 2018(2) Mah. Law Journal**, which were followed in several cases decided later on and as such, the impugned order would have to be held as unsustainable in law. That apart, during pendency of this case, Ravindra S/o Vitthal Ghodmare, the real paternal uncle of the petitioner has been granted validity by this Court while deciding the case being Writ Petition No.6675 of 2018 on 31st January, 2019. As such, we are of the view that this petition also deserves to be allowed.

3. Accordingly, the Writ Petition is allowed.
4. The impugned order dated 26th June, 2018 passed by respondent – Scrutiiny Committee is quashed and set aside.
5. The Scrutiny Committee is directed to issue Caste Validity Certificate to the petitioner as she belonging to “Mana-Schedule Tribe”, within a period of four weeks from the date of receipt of this order.
6. Rule is made absolute in these terms. No costs.

JUDGE

JUDGE

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