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

WRIT PETITION NO.5898 OF 2014

Petitioner : Sohant s/o Bhaskar Randive,
Aged about 16 years, Occupation : Student,
through Natural Guardian Father,
Bhaskar s/o Vithobaji Randive,
R/o Jambhulghat, Tah. Chimur,
Distt. Chandrapur.

-- Versus --

Respondents : 1] Scheduled Tribe Certificates Scrutiny
Committee, Gadchiroli, Division Nagpur,
through its Chairman,
Office at Complex Area,
Near Zilla Parishad Sankul, Gadchiroli,
Tq. & Distt. Gadchiroli.

2] State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.

3] The Principal,
Gondwana Sainiki Vidyalaya, Gadchiroli,
Chamoshi Road, Gadchiroli,
Tq. & Distt. Gadchiroli.

4] The Collector, Chandrapur,
Collectorate Building, Chandrapur,
Tq. & District Chandrapur.

5] Sub-Divisional Officer,
Bramhapuri, Tq. Bramhapuri,
Distt. Chandrapur.

6] The Principal,
Govt. College of Engineering, Aurangabad,
Usmanpura, Railway Station Road,
Aurangabad.

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7] The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Lonare, Mangar Raigad,
Maharashtra - 402103.

Shri P.P. Dhok, Advocate for the Petitioner.
Shri S.M. Ghodeshwar, A.G.P. for the Respondents.

CORAM : SUNIL B. SHUKRE & S.M. MODAK, JJ.
DATE : 26th JUNE, 2019.

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

For the reasons stated in Civil Application No.1534/2019,
the same is allowed.

02] The petitioner is a student pursuing his education. During the pendency of this petition, real sister of the petitioner has been granted validity certificate by Gadchiroli Scrutiny Committee. Of course, this document was not available before the Scrutiny Committee for appropriate consideration. But, then there were two validity certificates granted to the paternal uncle and paternal cousin of the petitioner, which were indeed produced before the Scrutiny Committee. These validity certificates were issued on 31st January, 2008 to one Diwakar Vithoba Randive, the paternal uncle of the petitioner and to another person by name Vikrant Diwakar

Randive, the paternal cousin of the petitioner on 2nd August, 2007. The Scrutiny Committee, however, rejected these documents on the ground that they were issued without any vigilance enquiry and without testing affinity of these persons with the “Mana Tribe”. The Scrutiny Committee, according to us, has sat in appeal over the validity certificates granted to Diwakar and Vikrant, which is not permissible in law. It is not in dispute that the validities so granted to these persons are still valid. Therefore, if we endorse to the reasoning of the Scrutiny Committee, the result would be that in the extended but same family, there would be members belonging to different castes or tribes. This is not acceptable, socially and legally. Therefore, we find that the impugned order is illegal and deserves to be quashed and set aside.

03] Before parting with this judgment, we would like to express our displeasure over the indiscretion shown by the petitioner while submitting his say to the vigilance report. It is seen from the intemperate language used by the petitioner. Being anxious about one's backwardness and having intense desire to get out of it is different from being foul mouthed. The anxiety and eagerness can be better expressed and emphatically also by being humble and polite in demeanor and decent and moderate in words.

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If such language is used and such thoughts are given vent to uncontrollably, we do not think that the petitioner can really make any progress in life to be a proud citizen of India. We would, therefore, only express our hope that the petitioner shall be polite by all means, in his life.

04] In the result, the following order is passed :

- i. The writ petition is allowed.
- ii. The impugned order is hereby quashed and set aside.
- iii. Respondent No.1 is hereby directed to issue validity certificate to the petitioner as he belongs to "Mana - Scheduled Tribe" within a period of four weeks from the date of the order.
- iv. Rule is made absolute in the above terms with no order as to costs.

(S.M. Modak, J.)

(Sunil B. Shukre, J.)

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