



wp.3210.14,jud

1

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

**WRIT PETITION NO.3210 OF 2014**

**Petitioner** : Bhaskar s/o Vithobaji Randive,  
Aged about 48 years, Occupation : Service,  
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] Block Development Officer (Higher Grade),  
Panchayat Samiti, Chimur, Tah. Chimur,  
Distt. Chandrapur.

4] District Animal Husbandry and  
Veterinary Officer,  
Zilla Parishad, Chandrapur,  
Tah. Chandrapur, Distt. Chandrapur.

5] Chief Executive Officer,  
Zilla Parishad, Chandrapur,  
Tah. and Distt. Chandrapur.

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

7] Sub-Divisional Officer,  
Bramhapuri, Tq. Bramhapuri,

wp.3210.14,jud

2

Distt. Chandrapur.

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*Shri P.P. Dhok, Advocate for the Petitioner.*  
*Shri S.M. Ghodeswar, A.G.P. for Respondent Nos.1, 2, 6 & 7.*

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**CORAM** : **SUNIL B. SHUKRE & S.M. MODAK, JJ.**

**DATE** : **26<sup>th</sup> JUNE, 2019.**

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

For the reasons stated in Civil Application No.1559/2019,  
the same is allowed.

02] The petitioner is serving as Live Stock Supervisor with respondent No.4. During the pendency of this petition, real daughter 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 real brother and nephew of the petitioner, which were indeed produced before the Scrutiny Committee. These validity certificates were issued on 31<sup>st</sup> January, 2008 to one Diwakar Vithoba Randive, the real brother of the petitioner and to another person by name Vikrant Diwakar Randive, the nephew of the petitioner on 2<sup>nd</sup> August, 2007. There is no dispute about the

relationship. 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.

wp.3210.14,jud

4

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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