



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

WRIT PETITION No.1867 OF 2014

Maroti s/o. Shamrao Nannaware,
Aged about 44 years,
Occupation : Service,
R/o. Rampur, Post Arvi,
Tah. Rajura, Distt. Chandrapur.

: PETITIONER

...VERSUS...

1. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli,
Through its Chairman.

Amended as per
Court's order
dt.31.8.2015.

2. The ~~Superintendent (M)~~/Manager,
The Superintendent of Mines,
The Superintendent of Mines,
Sasti Open Cast Mine,
Post - Sasti, Tah. Rajura,
Distt. Chandrapur-442 706

: RESPONDENTS

Smt. Preeti Rane, Advocate for Petitioner.
Smt. S.S. Jachak, Asstt. Government Pleader for Respondent No.1.
Shri C.S. Samudra, Advocate for Respondent No.2.

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

DATE : 1st JULY, 2019.

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

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

by consent.

2. It is seen that the respondent No.1 Scrutiny Committee has given no importance to preconstitutional document existing in the name of one Hiranman Raghu Mana which was extract of P1 revenue document. This Hiranman was the grandfather of the present petitioner and there has been no dispute about the relationship existing from the paternal side. The law in such cases is well settled. Whenever a preconstitutional document like the present one is available on record, it is required to be attached with greater probative value and unless there is any doubt about such document, there should be no occasion to apply affinity test. Whenever there is a doubt about such document, by way of corroboration or for removal of the doubt or otherwise, affinity test can always be resorted to. But, this is not that kind of case.

3. The above discussion would show that the facts of the present case are covered by the view taken by this Court in number of cases one of which is **Shri Gajanan s/o. Pandurang Shende vs. Head-Master Govt. Ashram School, Dongargaon Salod and others**, reported in **2018(2) Mh.L.J. 460**. The impugned order thus deserves to be quashed and set aside.

4. The impugned order is quashed and set aside.

5. The respondent No.1 Committee is directed to issue validity certificate to the petitioner belonging to "Mana" Scheduled Tribe within a

period of four weeks from the date of the order.

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

Civil Application No.1550/2019.

Application is disposed of in terms of final order.

JUDGE

JUDGE

वाडोदे