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

Writ Petition No. 1432/2019

Ankosh S/o Khatu Nannaware,
Aged about 53 years, Occ. Labour,
R/o. At-Post – Metepar, Tah, Chimur,
Dist. Chandrapur.

.... **PETITIONER**

// **VERSUS** //

1. The Vice-Chairman/Member Secretary,
   Scheduled Tribe Caste Certificate
   Scrutiny Committee, Gadchiroli.

2. The Collector, Chandrapur.

3. The Tahsildar,
   Chimur, Dist. Chandrapur.

4. The Secretary,
   Gram Panchayat, Metepar,
   Tah. Chimur, Dist. Chandrapur.

.... **RESPONDENTS**

Ms. Preeti D. Rane, Advocate petitioner.
Mrs. M. A. Barabde, Assistant Government Pleader for respondent Nos. 1 to 3.

CORAM: R. K. DESHPANDE AND
VINAY JOSHI, JJ.

DATE OF JUDGMENT :- 18.07.2019

JUDGMENT (PER VINAY JOSHI, J.)

Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The challenge in this petition is to the order dated 27.08.2018 passed by the respondent No. 1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli invalidating the claim of the petitioner for "Mana" Scheduled Tribe which is an entry at Sr. No. 18 in the Constitution (Scheduled Tribe) Order 1950.

3. The petitioner's caste claim was forwarded to the Committee for verification and issuance of validity certificate. The petitioner has submitted various documents including pre-constitutional documents in support of his caste claim. The petitioner has also relied on previous certificate of validity issued in favour of his blood relatives. The petitioner's caste claim was inquired into by the Police Vigilance Cell. On receipt of the report of Police Vigilance Cell, a show cause notice was issued to the petitioner to obtain his explanation. After considering the entire material, the Committee expressed dissatisfaction about the genuineness of the caste claim of the petitioner and by impugned order dated 27.08.2018, invalidated his caste claim.

4. The Scrutiny Committee has evaluated in all 14 documents which are tendered by the petitioner to support his claim. These documents are including of pre-constitutional documents of the year 1918-19, 1920-23. The Committee has rejected petitioner's caste claim on the point of documentary evidence, affinity test and area restrictions.

5. The petitioner's grievance is that the Committee has ignored pre-constitutional documents, sidelining the previous validities and despite removal of area restriction, the claim is rejected on these grounds. The Vigilance Cell has not collected any adverse document to disprove the petitioner's claim. The Vigilance Cell during the inquiry, found that some entries as “Mana”, “Mani”, “Mane' which made the Committee in rejecting the claim. The entire controversy is well covered by the decisions of this Court in case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others, 2010(6) Mh.L.J. 401, Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others, (2012) 1 SCC 113, Gajanan S/o Pandurang Shende Vs. Headmaster, Govt, Ashram School, Dongargaon Salod and others, (2018)(2) Mh.L.J. 460*** and ***Jaywant Dilip Pawar Vs. State of Maharashtra & Ors,***

2018(5) ALL MR 975 (S.C.).

6. The Committee has not come across any material which shows that caste “Mana” has been shown either by the interpolation or tampering in old documents. The relationship of the petitioner with Savita Ramchandra Nannaware to whom previous validity is issued, has not been denied. There are entries of “Mana” caste in the old documents having high probative value. In view of the fact that the oldest documents of the year 1918-19 having probative value showing the caste of petitioner's blood relatives as “Mana”, the Committee erred in holding that the petitioner has failed to establish the claim of the “Mana” Scheduled Tribe. Therefore, in view of above decisions, we hold that the petitioner has established his claim of “Mana” Scheduled Tribe. As a result, the petition is allowed and the order passed by the respondent No. 1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli dated 27.08.2018 is hereby quashed and set aside.

7. The claim of the petitioner is held to be valid for “Mana” Scheduled Tribe which is an entry at Sr. No. 18 in the Constitution (Scheduled Tribe) Order 1950.

8. The Committee is directed to issue caste validity certificate in the name of the petitioner within period of one month from today.

9. The petitioner shall be entitled to all consequential benefits of the “Mana” Scheduled Tribe.

10. Rule is made absolute in above terms. No order as to costs.

(Judge) **(Judge)**

Gohane.