



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

WRIT PETITION No. 3499/2019.

Aditya son of yashwant Nanaware,
Aged about 20 years, Occupation
Student, resident of Hanuman Nagar,
Church Road, Tukum, Chandrapur,
District Chandrapur.

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PETITIONER.

VERSUS

1. State of Maharashtra,
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli
through its Chairman, Committee for
Scheduled Tribe Claims, Office
at Complex Area, Gadchiroli,
Tq. and District Gadchiroli.
3. The Director of Technical
Education, Maharashtra State,
3 Mahapalika Marg,
Mantralaya, Mumbai – 32.
4. Principal, Jawaharlal Darda Institute
of Engineering and Technology,
MIDC Lohar, Yavatmal, Tahsil
and District Yavatmal 445001.

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5. Registrar, Sant Gadge Baba
University, Amravati Camp Area,
Near Tapovan Gate,
District Amravati 444602.

6. Sub Divisional Officer, Warora,
Tahsil Warora,
District Chandrapur.

... **RESPONDENTS.**

Shri P.P. Dhok, Advocate for the Petitioner.
Ms. N.P. Mehta, A.G.P. for Respondent Nos.1 to 3 & 6.
None for Respondent Nos.4 and 5 – Served.

**CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.**

DATE : JULY 18, 2019.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Rule made returnable forthwith. Heard finally by consent of learned Counsel present for respective parties.

2. The petitioner has challenged rejection of his caste claim by respondent no.2 Scrutiny Committee, vide impugned order dated 14.06.2018. The petitioner claims to be belonging to “Mana” Scheduled Tribe, which is an entry at Sr.No.18 in the Constitution

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(Scheduled Tribes) Order, 1950.

3. It is urged that petitioner has produced pre-constitutional documents, as well as validity certificates issued in favour of his family members, however, the Committee has erroneously rejected his caste claim. The petitioner has brought to our notice that, by same impugned order, caste claim of his father namely Yeshwant Gajanan Nanaware, was rejected by the Committee, but, in Writ Petition No. 4966/2018, this Court vide its order dated 15.10.2018, directed the Committee to issue validity certificate to his father – Yeshwant, as belonging to 'Mana' Scheduled Tribe.

4. In short the controversy is well covered by the decision rendered in Writ Petition No.4966/2018, by which validity certificate is directed to be issued to petitioners' father. In the circumstances, writ petition has to be allowed, hence, the following order.

ORDER

(i) Writ Petition No.3499/2019 is allowed.

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- (ii) The order dated 14.06.2019, passed by respondent no.2 Chairman, Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli is hereby quashed and set aside. Said Committee is directed to issue validity certificate in favour of present petitioner as belonging to “Mana” Scheduled Tribe.
- (iii) Rule is made absolute in aforesaid terms, with no order as to costs.

JUDGE

JUDGE

Rgd.