

PETITIONER





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

WRIT PETITION No. 3685 OF 2014

Tukaram S/o Ganpati Nannaware, Aged about 32 years, Occupation : Service as an Sweeper, R/o Salori, Tah. Warora Distt. Chandrapur

...VERSUS...

- 1. Scheduled Tribe Certificate 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. Divisional Controller, Maharashtra State Road Transport Corporation, Arni Road, Yavatmal, Tq. & Dist. Yavatmal.
- 4. Depot Manager,
 Maharashtra State Road Transport
 Corporation, Wani, Tah. Wani,
 Distt. Yavatmal.
- 5. Sub-Divisional Officer, Warora, Office at Tahwil Office, Warora Tah. Warora, Distt. Chandrapur.
- 6. The Collector, Chandrapur,Collectorate Building, Chandrapur,Tq. & District Chandrapur

RESPONDENTS

902-wp-3685-14(j).odt 2/5

Shri P.P.Dhok, Advocate for the Petitioner.

Shri. K.L. Dharmadhikari, AGP for the respondent nos. 2, 5 and 6.

CORAM: SUNIL B. SHUKRE AND

S.M. MODAK, JJ.

 $\underline{\text{DATE}}$: $\underline{30^{\text{th}}}$ JULY, 2019.

<u>ORAL JUDGMENT</u>: (Per: Sunil B. Shukre, J.)

1. Heard learned counsel for the petitioner and learned

AGP for the respondent nos.1 and 2, who appears and waives

notice.

2. In this case there are two relevant documents which

have been rejected on wholly irrelevant grounds by the Scrutiny

Committee while passing impugned order. First document is the

revenue document of the year 1918-19 standing in the name of one

Bondu Bhiva Mana, who was admittedly the great grandfather of

the petitioner. This document has been rejected only on the ground

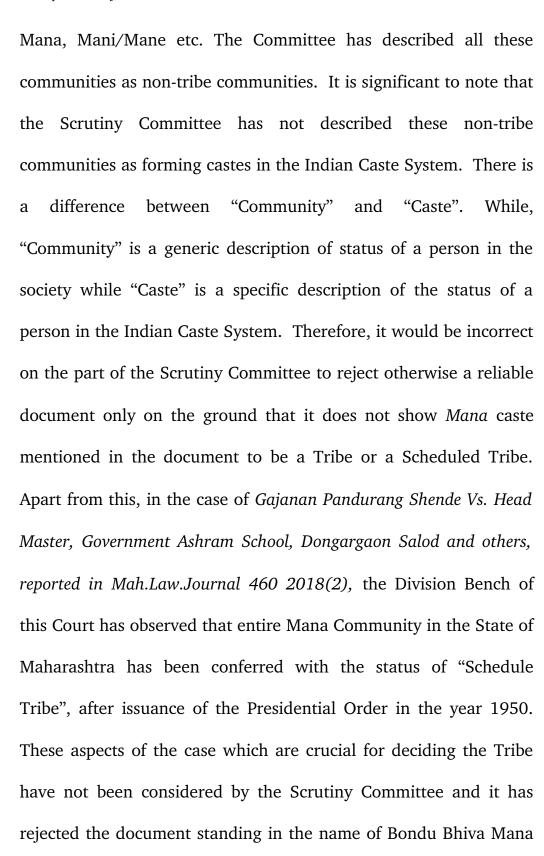
that it does not show that "Mana" caste mentioned in the document

is a Tribe. The Committee has reasoned out that in Maharashtra

there are also non Scheduled Tribe communities such as; Mana,

Badawaik Mana, Khad Mana, Kshatriya Mana, Kunbi Mana, Ravad

3/5



4/5



on a ground, not germane to ascertaining of the real social status of the petitioner.

3. As regards the caste validity certificate accorded to Harichandra Nannaware, who is admittedly a blood relation of the petitioner from the paternal side, we must say, this document having attained finality after the directions issued by the Hon'ble Apex Court, could not have been questioned for its standing as conclusive proof of the social status of Harichandra Nannaware. It then follows that it is also a conclusive proof of the social status the members of the family to which Harichandra Nannaware belongs. The Scrutiny Committee, however, has rejected the document on the ground that it was issued without making of any vigilance inquiry. Once the stamp of approval has been accorded to social status of Harichandra Nannaware by the Hon'ble Apex Court and when there is no dispute about Harichandra Nannaware being a blood relative of the petitioner, it was not open to the Scrutiny Committee to have rejected the document as not constituting conclusive proof of the social status claimed by the petitioner. In the circumstances, the impugned order deserves to be quashed and set aside.

5/5



- 4. In this view of the matter, the Writ Petition is allowed. Impugned order is quashed and set aside.
- 5. The respondent no.1 is directed to issue Caste Validity Certificate to the petitioner as he belonging to "Mana-Schedule Tribe" within a period of four weeks from the date of the receipt of the order.
- 6. Rule is made absolute in aforesaid terms. No order as to costs.
- 7. Civil Application No. 2026 of 2019 is disposed of in terms of final order.

JUDGE JUDGE

sknair