



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No. 1805 OF 2014

Devidas S/o Bhiwaji Randive,
Aged about 47 years, Occupation Service
as an Assistant Teacher,
R/o Harni, Post Khamboda,
Tah. Chimur, Distt. Chandrapur : PETITIONER

...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. Shri Saibaba Vidyalaya, Aamdi
(Begade), through its Head Master
Tah. Chimur, Dist. Chandrapur
4. Sub-Divisional Officer, Warora,
Office at Tahwil Office, Warora
Tah. Warora, Distt. Chandrapur.
5. The Collector, Chandrapur,
Collectorate Building, Chandrapur,
Tq. & District Chandrapur
6. The Education Officer (Primary),
Zilla Parishad, Chandrapur,
Tah. & District Chandrapur : RESPONDENTS

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

Smt. K.S. Joshi, Addl.Government Pleader for the respondent nos. 1, 2, 4 and 5.

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

DATE : 30th JULY, 2019.

ORAL JUDGMENT : (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 1919-20 standing in the name of one Vithoba Pandu 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

Mana, Mani/Mane etc. The Committee has described all these communities as non-tribe communities. It is significant to note that the Scrutiny Committee has not described these non-tribe communities as forming castes in the Indian Caste System. There is a difference between “Community” and “Caste”. While, “Community” is a generic description of status of a person in the society while “Caste” is a specific description of the status of a person in the Indian Caste System. Therefore, it would be incorrect on the part of the Scrutiny Committee to reject otherwise a reliable document only on the ground that it does not show *Mana* caste mentioned in the document to be a Tribe or a Scheduled Tribe. Apart from this, in the case of *Gajanan Pandurang Shende Vs. Head Master, Government Ashram School, Dongargaon Salod and others*, reported in *Mah.Law.Journal* 460 2018(2), the Division Bench of this Court has observed that entire Mana Community in the State of Maharashtra has been conferred with the status of “Schedule Tribe”, after issuance of the Presidential Order in the year 1950. These aspects of the case which are crucial for deciding the Tribe have not been considered by the Scrutiny Committee and it has rejected the document standing in the name of Vithoba Pandu

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

3. As regards the caste validity certificate accorded to Arun Randive, 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 Arun Randive. If then follows that it is also a conclusive proof of the social status the members of the family to which Arun Randive 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 Arun Randive by the Hon'ble Apex Court and when there is no dispute about Arun Randive 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.

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. 2025 of 2019 is disposed of in terms of final order.

JUDGE

JUDGE

sknair