



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

Writ Petition No. 2032 of 2014

Petitioner : Ku Vijaya d/o Indrajai Nannaware, aged about
16 years, Occ: student, through natural guardian-
Father Shri Indrajai son of Jagan Nannaware,
resident of Indra Nagar, Near Railway Line, Mul
Road, Chandrapur
versus

Respondents: 1) The Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli, through its
Chairman
2) The Principal, Matoshri Junior College,
Tukum, Chandrapur

Shri Rajendra R. Murkute, Advocate for petitioner

Shri I. J. Damle, Asst. Govt. Pleader for respondent no. 1

**Coram : Sunil B. Shukre &
S. M. Modak, JJ**

Dated : 29th July 2019

Judgment (Per Sunil B. Shukre, J)

1. Heard Shri Rajendra R. Murkute, learned counsel for the petitioner and Shri I. J. Damle, learned Assistant Government Pleader for respondent no. 1. None appears for respondent no. 2, though duly served. Respondents have not filed any reply in the matter. However, on the basis of facts established on record, we are of the view that this matter can be dealt with finally now.

2. The impugned order shows that there were several pre-Constitutional documents of the forefathers of the petitioner showing their social status as “Mana” and these documents have been rejected by the Scrutiny Committee only on the ground that the documents did not disclose that the word “Mana” shown therein was with reference to any tribe.

3. The reason so adopted by the Scrutiny Committee is non-est and non-existent. If, according to the Scrutiny Committee, the word “Mana” was without reference to any tribe, such mentioning of the word would have had its own relevance if social order then prevailing in India had disclosed that the word “Mana” was being used with reference to some Hindu caste. The Scrutiny Committee has not given its opinion that the word “Mana” was capable of being used not only with reference to a

particular tribe, but to a caste also in the ladder of the Indian caste system. The Scrutiny Committee has only said that at that point of time, Mana was a community, but it has maintained silence as to of which particular Mana community consisted of, whether the tribals or the caste Hindus. There is no other material discussed by the Scrutiny Committee on the basis of which one would say that the word “Mana” used in the pre-Constitutional documents could not be understood as referring to any tribe. In the circumstances, we find that the pre-Constitutional documents considered by the Scrutiny Committee reasonably show the social status of the fore-fathers of the petitioner as that of Mana which later on became a scheduled tribe as per the Constitutional Order of 1950.

4. It is pertinent to note that validity has been granted by the Committee at Nagpur to the paternal uncle of the petitioner by name Baburao Ramji Nannaware. Validity has also been granted to the cousin brother and sister of the petitioner by name Mayur Baburao Nannaware and Maheshwari Baburao Nannaware as also to the other relatives of the petitioner on paternal side. These three certificates came to be issued on the basis of the direction given by the Hon'ble Apex Court and that would mean that these certificates have attained finality. If this was so, the Scrutiny Committee ought not to have rejected the certificate as proof of the claim made by the petitioner on the ground that these certificates

were issued only on the basis of the directions of the Hon'ble Apex Court and they have been issued without any vigilance enquiry. When the Hon'ble Apex Court has given direction for validating the social status of the said relatives of the petitioner, any consideration of the vigilance enquiry report by the Scrutiny Committee was irrelevant, especially when the earlier validity certificates have attained their finality.

In view of this, we are inclined to allow this petition.

5. Writ Petition is allowed. The impugned order is quashed and set aside. Respondent no. 1-Committee is directed to issue validity certificate to the petitioner as he belonging to "Mana" scheduled tribe within a period of four weeks from the date of receipt of this order.

6. Rule is made absolute in the above terms. No costs.

S. M. MODAK, J

SUNIL B. SHUKRE, J

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