



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

WRIT PETITION No. 6874 OF 2023

PETITIONER: : Ku. Rucha D/o Dilip Bokade
Aged about 20 years, Occ. Student,
R/o At Sarmaspura, Tq. Achalpur,
District Amravati

Vs.

RESPONDENT : The Schedule Tribe Caste Certificate
Scrutiny Committee, through its
Member Secretary and Deputy Director,
Sanna Building, Opp. Govt. Rest House,
Camp, Amravati – 444 601

Mr. Ashwin Deshpande, Advocate for the petitioner
Ms. T.H. Khan, AGP for Respondent

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 25th JANUARY, 2024

ORAL JUDGMENT (Per : AVINASH G. GHAROTE, J.)

At the outset, Mr. Deshpande, learned counsel for the petitioner seeks leave to correct the date in the prayer clause from 08/11/2022 to 03/11/2022. Leave is granted. The correction be carried out forthwith.

2. Rule. Rule is made returnable forthwith. Heard both the parties.

3. The petition questions the decision of the Scrutiny Committee dated 03/11/2022 (page 46), whereby the claim of the petitioner for grant of Scheduled Tribe certificate of the petitioner belonging to Halbi Scheduled Tribe has been negated. What is material to note is that the decision dated 03/11/2022 is a common decision for the present petitioner and her cousin Vaibhav Prakashrao Bokade. The relationship is not disputed as is indicated from para 4 (page 47), of the decision dated 03/11/2022.

4. This Court by the judgment dated 19/01/2024 has already set aside the decision dated 03/11/2022 passed by the Scrutiny Committee in respect of Vaibhav Praksh Bokade in Writ Petition No.6472/2023. Since the petitioner is similarly situated and the same documents have been relied upon and the genealogical relationship of the petitioner being the first cousin of the petitioner in Writ Petition No. 6472/2023 is not disputed, what has been held in Writ Petition No. 6472/2023, would equally apply to the present petitioner too. In that view of the matter, the decision dated 03/11/2022, passed by the Scrutiny Committee is hereby quashed and set aside and the Scrutiny Committee is directed

to issue the validity certificate to the petitioner belonging to Halbi Scheduled Tribe. The certificate be issued within a period of two weeks' from today. Till such time, the petitioner can claim benefit of belonging to Halbi Scheduled Tribe on the basis of this judgment. The petition is accordingly allowed. No costs.

5. Rule is made absolute in the above terms.

6. R & P be sent back. .

(SMT. M.S.JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande