



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

Writ Petition No.2780 of 2018.

Devendra Ashok Randale,
Aged about 28 years, Occ.-Service,
R/o.-Shastri Nagar, Gadam Fail, Yavatmal, Dist. Yavatmal. Petitioner.

-Versus-

- 1] The Vice-Chairman,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Gadchiroli.
- 2] The Executive Engineer,
MSEDCL, Divisional Officer, Karla Road,
Pusad, Dist. Yavatmal.
- 3] The Superintendent Engineer,
MSEDCL, Circle Office, Yavatmal. Respondents.

Ms Preeti D. Rane, Counsel for petitioner.
Mrs. Jachak, AGP for resp. no.1.

Coram : Sunil B. Shukre,
S.M. Modak, JJ.
Dated : 07th August, 2019.

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Rule. Rule made returnable forthwith. Heard finally by
consent of learned Counsel appearing for the parties.

2. It is seen from the impugned order that a pre-constitutional

document, an extract of P-I revenue record standing in the name of Dama s/o Watu Mara, great great-grandfather of the petitioner, of the year 1920-1923, has been rejected on the ground that even though the entry is of “Mana” caste, it cannot be ascertained from this entry that it pertains to any Scheduled Tribe.

3. The only reason so given by the Scrutiny Committee is not in consonance with the social facts. The social facts are required to be elucidated from the Indian caste system. If we referred to the Indian caste system, we would find it does not include in its hierarchical order any caste under the name “Mana”. It is also not the stand of the Scrutiny Committee that “Mana” is a word which is not only indicative of some tribe, but is also a word which is synonymous with of caste in the Indian caste system. The stand of the Committee is that from the entry “Mana” taken in P-I revenue document, it cannot be known that this entry is only indicative of the tribe “Mana”. But, if the Committee is not also referring to any such caste which is known as “Mana caste”, there is no reason to believe that the entry in question is confusing. According to us, the entry in question is only referable to an Indian tribe known as “Mana”. If this is so, the non-mentioning of the word “Scheduled” as prefix to the word “Tribe” non-mentioning of the word “Scheduled Tribe” before the word “Mana” is understandable, for, the concept of tribe being a Scheduled Tribe took its birth in the year 1950 only after the issuance of presidential order.

4. In this view of the matter, we find that the impugned order is patently illegal and cannot be sustained in the eye of law. The petition is allowed. The impugned order is hereby quashed and set aside. The respondent no.1 is directed to issue validity certificate to the petitioner as he belonging to “Mana” (Scheduled Tribe), within a period of 8 weeks from the date of receipt of the order.

5. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE

Deshmukh