



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

Writ Petition No.4133 of 2018.

Mayang Shankar Nannaware (Minor 17 years old),
through its father Shankar Sitaram Nannaware,
At Post Wadadha (Tukum), Tahsil Warora,
Distt. Chandrapur-442906.

.... Petitioner.

-Versus-

1] The Scheduled Tribe Certificate Scrutiny Committee,
Gadchiroli, through its Member Secretary,
Camp Area, Gadchiroli, Maharashtra-442605
Email : tcscgad@yahoo.in.

2] State of Maharashtra,
through its Principal Secretary,
Tribal Development Department,
Mantralaya Extension, Madam Kama Road, Mumbai,
Maharashtra 400032.
Email : tribal.info@maharashtra.gov.in.

3] Government College of Engineering,
through its Principal, Ballarsha Bypass Road,
Chandrapur-442 403.
Email : gcoechandrapur@gmail.com.

.... Respondents.

Shri S.P. Khare, Counsel for petitioner.

Shri Maldhure/Mrs Joshi, AGPs for resp. nos. 1 to 3.

Coram : Sunil B. Shukre,

S.M. Modak, JJ.

Dated : 20th 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. This Court as well as the coordinate Benches of this Court have taken a consistent view that whenever there are pre-constitutional documents disclosing the social status of the claimant as that of a particular caste or tribe and there is no dispute about either the relationship or the genuineness of the documents and that validity certificates have been issued to the paternal family of the claimants, the Scrutiny Committee would be obliged to accept/validate the caste or tribe claim of such claimants. These decisions, for the sake of reference could be mentioned as, **Pranjal d/o Shamrao Hanwate vs The Vice- Chairman/Member, Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli and others** in **Writ Petition No.4840 of 2018, Gajanan s/o Pandurang Shende vs Head-Master, Govt. Ashram School, Dongargaon Salod and others**, reported at **2018(2) Mh.L.J. 460**, **Ankush s/o Yashwantrao Mankar vs Scheduled Tribe Certificates Scrutiny Committee, Gadchiroli and others**, reported at **2018(1) ABR 506**, and several similar such decisions.

3. In the present case also, there are in existence of pre-constitutional documents as well as Validity Certificates granted to the members of the paternal family of the petitioner and that neither the genuineness of the documents nor the existence of the relationship is in

dispute. There is also no dispute about the consistent view taken by this Court so far. In these circumstances, we are of the view that impugned order cannot be sustained in the eye of law and accordingly by allowing this petition, it is quashed and set aside. The respondent no.1-Committee 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.

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

JUDGE

JUDGE

Deshmukh