IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 2558   OF 2018

Sumit s/o Bhaurao Dadmal
aged about 25 years,
occupation – Service, r/o
Tirtharup Nagar, Devai
Govindpur, Tukum,
Chandrapur.   ...   PETITIONER

        Versus

1. The Vice-Chairman/ Member
    Secretary, Scheduled Tribe
    Caste Certificate Scrutiny
    Committee, Gadchiroli.

2. The Chief Engineer,
    MSEDCL, Nanded Zone,
    Nanded.

3. The Principal,
    Yashwantrao Chavan College
    of Engineering, Hingna Road,
    Nagpur.   …   RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioner.
Mrs. S.S. Jachak, AGP for respondent No. 1.
Shri A.D. Mohgaonkar, Advocate for respondent No. 2.
Ms. Aarti Singh, Advocate for respondent No. 3.
                         …..

                              CORAM :   **S.B. SHUKRE &**
                                        S.M. MODAK, JJ.
                                        JANUARY 28, 2019.

ORAL JUDGMENT :   (PER S.B. SHUKRE, J.)

        Rule. Rule is made returnable forthwith and heard

finally with the consent of Ms. P.D. Rane, learned counsel for the petitioner, Mrs. S.S. Jachak, learned AGP for respondent No. 1, Shri A.D. Mohgaonkar, learned counsel for respondent No. 2 and Ms. Aarti Singh, learned counsel for respondent No.3.

2.   The petitioner has claimed validity to his caste Certificate showing that he belongs to "Mana – Scheduled Tribe". The petitioner relies upon the validity granted to his cousin sister on the basis of a pre-constitution document of the year 1929, showing the grand father of the petitioner as belonging to "Mana" caste.

3.   There is no dispute about these facts and such being undisputed factual position, the settled principles of law would apply in present case. According to the petitioner, he cannot be discriminated against and would also be entitled to be granted validity as belonging to "Mana – Scheduled Tribe".

4.   Writ Petition is, therefore, allowed and disposed of.

The order dated 10.04.2018 is quashed and set aside. Respondent No. 1 is directed to issue validity to the Tribe claim of the petitioner at the earliest and in any case within one month from the date of order. Rule is made absolute in above terms. However, there shall be no order as to costs.

JUDGE   **JUDGE**

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