

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

WRIT PETITION NO. 2357 OF 2013

Jayshree D/o Pandurang Chaudhari
Aged about 20 years, Occu. Student,
R/o Sindewahi, Distt. Chandrapur

..... PETITIONER

... Versus ...

1. The Directorate of Technical
Education, Maharashtra State,
Mumbai.
2. The Registrar, R.T.M. Nagpur
University, Nagpur
3. The Principal, Kavi Kulguru
Institute of Technology & Science,
Ramtek, Distt. Nagpur.
4. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli,
through it's Chairman.

..... RESPONDENTS

Ms. P.D. Rane, Advocate for the Petitioner.
Shri M.A. Kadu, AGP for Respondent No.1.
Shri P.B. Patil, Advocate for Respondent No.2.

CORAM : Z.A. HAQ & S.M. MODAK, JJ.
DATED : 07/01/2020

ORAL JUDGMENT (Per : S.M. Modak, J.):

Heard both the sides.

02] The Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, Division Nagpur refused to grant verification certificate to the applicant *vide* order dated 28th February, 2013. She claims to be a member of 'Mana Scheduled Tribe Community' whereas the same Committee issued Validity Certificate to her father – Pandurang on 31st December, 2009. So, issue is whether the Committee is entitled to repudiate the claim of the petitioner?

03] The Committee basically rejected the claim for the reason that the petitioner hails from an area outside the area scheduled for Mana Tribe, the documents do not support Mana Scheduled Tribe claim and for want of affinity. The certificate issued to the father of the petitioner is filed. The respondent No.4 - Committee does not contend that the certificate of father is obtained by deception or on the basis of forged documents. They have simply contended (in paragraph 6 of the reply) that it was granted as per the Supreme Court's decision in the case of *Madhuri Patil Vs. Additional Commissioner, Tribal Development (1994) 6 SCC 241* and no exercise was undertaken prior to granting validity in favour of the father of the petitioner. Be that it may, the certificate still holds good.

04] This Court in a number of decisions have directed the Scrutiny Committees to issue Validity Certificate on the basis of validities granted to close relatives. One of such decision is pronounced in Writ Petition Nos. 5703 of 2017 (*Ku. Meenakshi D/o Vishnupant Bende Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Ors.*) and 5328 of 2017 (*Sandesh Bapurao Bende Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Anr.*) and 5509 of 2017 (*Prabhakar S/o Natthuji Bende Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Ors.*) on 3rd January, 2020 (one of us Justice Z.A. Haq was party to that decision). If there are two contrary decisions on caste verification for two members in one family, it may lead to anomalous situation.

05] Already area restrictions have been removed as per the Amendment Act, 1976 still the respondent No.4 – Committee dwelve on that issue. It was futile exercise.

06] For the reason stated above, the decision of the Committee cannot be sustained, interference is required. We are inclined to allow the petition. Hence the following order is passed:-

ORDER

- a) The writ petition is **allowed**.

- b) The order dated 28th February, 2013 passed by the respondent No.4 – Committee is set aside.
- c) The respondent No.4 – Committee is directed to issue Tribe Validity Certificate to the petitioner as a member of ‘Mana Scheduled Tribe’ within two months from today.
- d) Rule is made absolute in above terms. Parties to bear their own costs.

JUDGE

JUDGE

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