



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

WRIT PETITION NO. 6472 OF 2023

Vaibhav S/o Prakash Bokade,
Aged about 20 Years, Occ.-Student,
R/o at Sarmaspura, Tq. Achalpur,
District Amravati. **PETITIONER**

Versus

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

Mr. Ashwin Deshpande, Advocate for the Petitioner.
Mr. A.M. Joshi, AGP for the Respondent/State.

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

DATED : 19th JANUARY, 2024

ORAL JUDGMENT :- (PER : AVINASH G. GHAROTE, J.)

Mr. Deshpande, learned counsel for the petitioner, at
the outset, seeks to correct the date of the impugned decision of

the Scrutiny Committee in prayer clause (i) & (iii) from 08.11.2022 to 03.11.2022. Leave is granted. Correction be carried out forthwith.

2. **Rule.** Rule made returnable forthwith. Heard finally by the consent of the learned counsels appearing for the rival parties.

3. With the assistance of the learned counsels for the parties we have gone through the record of the Scrutiny Committee made available for our perusal by the learned AGP for the respondent/State.

4. Mr. Deshpande, learned counsel for the petitioner, contends that since there is no dispute regarding the genealogical tree which is indicated in para 8(A) (page 52) of the decision of the Scrutiny Committee out of which Kalpana D/o Pundlikrao Bokade has been granted validity by this Court in Writ Petition No. 811/2003 decided on 30.11.2015 on the basis of which Rajesh S/o Pundlikrao Bokade also has been granted validity in Writ Petition No.2401/2002 decided on 24.04.2017, the reasons accorded by the learned Scrutiny

Committee to reject the validity to the petitioner who is the grandson of Pundlik from his son Prakash, are clearly not justifiable.

5. The relationship as indicated in the genealogical tree is not disputed. Even the Scrutiny Committee in its decision dated 03.11.2022 (page 46) does not indicate any dispute regarding the relationship as indicated by the genealogical tree. The fact that Kalpana D/o Pundlikrao Bokade and Rajesh S/o Pundlikrao Bokade have been granted validity as indicated above is indicated by the copies of the judgments in those petitions which have been tendered across the bar.

6. A perusal of the decision of the Scrutiny Committee would indicate, that certain entries which record the Tribe as 'Koshti' have been taken into consideration which are later in point of time and post independence in preference to the earlier entries, were are pre independence. The list of entries is in para 5 of the decision in question. Serial No. 24 indicates, that Bhagwan Sonba the great grandfather of the petitioner was recorded as 'Halbi' which entry is of 03.07.1917, there is

another entry in respect of the same person in the School Admission Register dated 21.04.1921 which also records the entry as 'Halbi'. The death certificate of Bhagwan Sonba dated 27.09.1942 also records the entry as 'Halbi'.

7. All these documents are pre independence and these very documents were considered by the learned Division Bench of this Court in Writ Petition No.811/2003 to render a finding that the petitioner therein namely Ku. Kalapna Pundlikrao Bokade belongs to 'Halbi', Scheduled Tribe. In light of what has been held in par 4 of Writ Petition No.811/2003 and the fact that the same pre independence documents are also extant in the instant matter and specifically when the relationship is not disputed, we do not see any reason why the Scrutiny Committee has taken the different view by relying upon the documents of post independence period. We, therefore, do not see any reason to sustain the decision of the Scrutiny Committee dated 03.11.2022 (page 46), which is in direct contrast what has been held by this Court in Writ Petition No. 811/2003 which is based upon the same set of documents.

8. In that light 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 of belonging '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 of Scheduled Tribe Halbi on the basis of the present judgment.

9. The Petition is accordingly **allowed**.

10. Rule is made absolute in the above terms. No costs. Record be returned back.

11. Pending applications, if any, shall stand disposed of accordingly.

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

(AVINASH G. GHAROTE, J.)