



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH

WRIT PETITION NO. 5997 OF 2018  
WITH  
WRIT PETITION NO. 6525 OF 2018  
AND  
WRIT PETITION NO. 6630 OF 2018

WRIT PETITION NO. 5997 OF 2018

1. Shri Tarachand s/o Ramaji Dadmal,  
aged about 47 years, occupation –  
Service, r/o At Baba Nagar Wadala  
(Paiku), Tq. Chimur, District -  
Chandrapur.

... PETITIONER

Versus

1. The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
through its Member Secretary and  
Deputy Director, Gadchiroli.
2. The Chief Officer,  
Zilla Parishad,  
Chandrapur.
3. The Block Education Officer,  
Panchayat Samiti, Chimur,  
Tq. Chimur, Dist. Chandrapur.

... RESPONDENTS

Shri Ashwin Deshpande, Advocate for the petitioner.  
Mrs. A.R. Kulkarni, AGP for respondent No. 1.  
Shri M.V. Mohokar, Advocate for respondent No. 2.

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WRIT PETITION NO. 6525 OF 2018

1. Amit s/o Tarachand Dadmal,  
aged about 23 years, occupation –

Student, r/o At Shedegaon,  
Tq. Chimur, Dist. - Chandrapur.

... PETITIONER

Versus

1. The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
through its Member Secretary and  
Deputy Director, Gadchiroli.
2. The Principal,  
Agriculture Technology School,  
Mul-Maroda, Dist. Chandrapur.
3. The Vice-Chancellor,  
Dr. Panjabrao Deshmukh Krishi  
Vidyapeeth, Akola, Tq. and  
District - Akola.

... RESPONDENTS

Shri Ashwin Deshpande, Advocate for the petitioner.  
Shri N.B. Jawade, AGP for respondent No. 1.  
Shri Abhay Sambre, Advocate for respondent No. 3.

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**WRIT PETITION NO. 6630 OF 2018**

1. Shri Sumit s/o Tarachand Dadmal,  
aged about 19 years, occupation –  
Student, r/o At Shedegaon,  
Tq. Chimur, Dist. - Chandrapur.

... PETITIONER

Versus

1. The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
through its Member Secretary and  
Deputy Director, Gadchiroli.
2. The Principal,  
Swatantrya Vir Ganpatrao Ingle  
College of Horticulture, Jalgaon



Jamod, Dist. Buldhana 443 402.

3. The Vice-Chancellor,  
Dr. Panjabrao Deshmukh Krishi  
Vidyapeeth, Akola, Tq. and  
District - Akola.

... RESPONDENTS

Shri Ashwin Deshpande, Advocate for the petitioner.

Mrs. S.S. Jachak, AGP for respondent No. 1.

Shri G.G. Mishra and Shri P.K. Raulkar, Advocates for respondent  
No. 2.

Shri Abhay Sambre, Advocate for respondent No. 3.

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**CORAM : SUNIL B. SHUKRE &  
S.M. MODAK, JJ.  
FEBRUARY 04, 2019.**

**ORAL JUDGMENT :** (PER SUNIL B. SHUKRE, J.)

Rule. Rule is made returnable forthwith and heard finally with the consent of learned counsel for the respective parties.

2. One of the grounds taken in these petitions is that even though the forefathers of the petitioners from the paternal side belonging to "Mana" is revealed by two documents of pre-constitution period, the petitioners have been denied the validity to their Caste Certificate showing them to be belonging to "Mana - Scheduled Tribe". Insofar as pre-constitution

documents are concerned, there is no dispute about the same. These documents undisputedly show that the forefathers of the petitioners were belonging to Mana, though the caste "Mana" was not declared to be Scheduled Tribe and after the issuance of the Constitutional order in the year 1950, this caste has been declared to be a Scheduled Tribe. Therefore, the law, we say, applicable to such cases is well settled. The pre-constitution documents have been taken consistently by the Courts as the documents having great probative value and if anything else is to be looked into, it is only by way of corroboration. Then the issue that arises here is whether the corroboration of these documents of the petitioners are required or not. The answer to this question is in the negative, for the reason that there is no dispute about the pre-constitution documents. The corroboration is a process of appreciation of evidence and it is necessitated only if there is a doubt about the reliability with the main proof. Such doubt being not there in present case, we find that the respondent – Committee has committed a serious error of law in invalidating the caste certificate of the petitioners.



3. In view of the above, we find that these petitions deserve to be allowed and the same are allowed accordingly. Respondent – Committee is directed to issue validity to the claim of the petitioners as belonging to “*Mana – Scheduled Tribe*” within a period of four weeks from the date of this order and validity that would be granted by the respondent shall take effect from the date on which previously the claim was invalidated, that is from 09.08.2018 in all the petitions. The impugned order dated 09.08.2018 is accordingly quashed and set aside.

4. Writ Petitions are disposed of accordingly. Rule is made absolute in above terms. However, there shall be no order as to costs.

Certified copy expedited.

**JUDGE**

**JUDGE**

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