



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

WRIT PETITION NO. 5769 OF 2022

Yogeshwar Narayanrao Pachabhaiye, Aged
about 71 years, Occupation:Retired,R/o
House No.113/1, Zone-2 Galli No.1,
Shriram Colony, Near Saraswati Sishu
Mandir School, Chandangaon,
Chhindwara, District-Chhindwara, (State
of M.P.)

Petitioner

-Versus-

1. The Commissioner, Tribal Research and
Training Institute, Maharashtra State, 28,
Queens Park, Pune-440001.
2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati, through its
Chairman/Member Secretary, Irwin
Chowk, Amravati.

Respondents

Mr.R.N.Ghuge, counsel for the petitioner.
Mr.S.M.Ghodeswar, AGP for the respondent Nos.1 and 2.

**CORAM : NITIN W.SAMBRE AND
VRUSHALI V. JOSHI, JJ.**

DATE : 17th OCTOBER, 2024

ORAL JUDGMENT (Per : Nitin W.Sambre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. The petition is
heard finally with the consent of the learned counsel for the parties.

3. The order impugned dated 09/06/2022, whereby the claim for issuance of validity of belonging to “Halbi” Scheduled Tribe came to be rejected.

4. While rejecting the claim, the Vigilance Cell Report dated 10/04/2017 is sought to be taken into account. Two adverse entries, in relation to blood relation uncle, namely Mahadeo Vithoba Pachabhaiye of 1940 and 1948 are taken into account.

5. The same Vigilance Cell Report and the adverse entry are already dealt with by the Division Bench of this Court in Writ Petition No. 336 of 2019 (Amey Kiran Pachabhaiye Vs. State of Maharashtra and ors.) decided on 01.03.2019 in Para No.4 of the said order, which reads thus:-

“4. The petitioner has relied on 27 documents to support his caste claim. The petitioner’s grievance is about sidelining his pre-constitutional documents by the Committee. Petitioner would contend that the Committee has given unnecessary weightage to two documents which are collected by the Vigilance Cell. According to petitioner, two documents collected by the Vigilance Cell in respect of Mahadeo Vitthoba Panchabhaiye of the year 19040 and 1948 are erroneous. The Vigilance Cell has not disclosed the source of those

documents. Moreover, considering the date of birth of Mahadeo, there is discrepancy in those documents. It is urged that the Committee failed to appreciate documentary evidence as well as wrongly held that the petitioner failed in affinity test. On perusal of impugned order, it reveals that the Committee misdirected itself by referring so many precedents. Main part of the impugned order is occupied by various citations without touching to the facts of the case. The Committee has specified the names of the persons who have given up their claims for “Halbi” Scheduled Tribe. Though previous validities were tendered, the Committee has not considered the same for the reasons which would not sustain”.

6. As such, what can be noticed from the impugned order is only aforesaid two adverse entries were found to be basis for rejection of the claim for validity, which are already dealt with by this Court in the matter of Amey Kiran Pachabhaiye a blood relative of the petitioner. The blood relation with Amey Kiran Pachabhaiye is already declared as “Halbi” Schedule Tribe.

7. That being so, the order impugned, dated 09.06.2022 is hereby quashed and set aside.

8. We direct the issuance of validity certificate in favour of the petitioner that of belonging to “Halbi” Scheduled Tribe within

a period of four weeks from today. The Writ Petition accordingly stands allowed.

9. Rule is made absolute in the above terms. No costs.

(VRUSHALI V. JOSHI, J)

(NITIN W.SAMBRE, J)