



wp6672.18



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 6672 OF 2018

1. Motiram s/o Bhadu Karmenge,
aged about 49 years, occupation –
Service.
2. Piyush s/o Motiram Karmenge,
aged about 18 years, occupation -
Student.
3. Pawan s/o Motiram Karmenge,
aged about 16 years, occupation -
Student.

All r/o Om Sai Nagar, Wadala Paiku,
Tahsil – Chimur, Dist. Chandrapur.

... PETITIONERS

Versus

1. The Vice-Chairman/ Member
Secretary, Scheduled Tribe Caste
Scrutiny Committee, Gadchiroli.
2. The President,
Vidya Vikas Prasarak Mandal,
Chimur, District – Chandrapur.
3. The Headmaster,
Shri Gajanan Vidyalaya,
Ambeneri, Tahsil – Chimur,
District – Chandrapur.

... RESPONDENTS

Ms. P.D. Rane, Advocate for the petitioners.
Mrs. A.R. Kulkarni, AGP for respondent No. 1.

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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 this petition is that even though the father of petitioner No. 1 belonging to “*Mana*” is revealed by the document 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 document is concerned, there is no dispute about the same. This document undisputedly show that the father of petitioner No. 1 was 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 this document of the father of petitioner No. 1 is required or not. The answer to this question is in the negative, for the reason that there is no dispute about the pre-constitution document. 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 this petition deserves to be allowed and the same is 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 26.06.2018. The impugned order dated 26.06.2018 is accordingly quashed and set aside.

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

Certified copy expedited.

JUDGE

JUDGE

*GS.