



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

Writ Petition No. 4679 of 2014

Petitioner : Sneha d/o Nilkanth Wakade, aged about 16 years,
Occ: Student, through natural guardian-father,
Nilkanth son of Nannu Wakade, aged about 49
years, Occ: service, resident of Sitabuldi, Nagpur
versus

Respondents : 1) The Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli, through its
Chairman
2) The Head-mistress, Bhide Girls High School &
Junior College, Sitabuldi, Nagpur
3) The Chairman, Maharashtra State Board of
Secondary & Higher Secondary Education, Pune,
Nagpur Divisional Board.

Shri G. R. Tiwari, Advocate for petitioner

Shri N. B. Jawade, AGP for respondents

Coram : Sunil B. Shukre & S. M. Modak, JJ

Dated : 5th March 2019

Oral Judgment (Per Sunil B. Shukre, J)

1. CAW No. 539 of 2019 and CAW No. 629 of 2019 : Heard. Applications are for final disposal/early hearing of the petition. For the reasons stated in the applications, the same are allowed.
2. WP No. 4679 of 2014 : Heard learned counsel for the petitioner and learned Assistant Government Pleader for respondents.
3. There is already a validity granted to father of the petitioner as he belonging to Scheduled Tribe, Mana. This is seen from the certificate of validity dated 12.11.2007 (page 21). There is no dispute about this fact. The validity so granted to the father of petitioner now has attained finality. If such are the facts of the case, we do not see any reason as to why settled principle of law would not govern the issue involved in this petition and it is that in such a case validity cannot be denied to the person concerned.
4. In view of the above, writ petition is allowed. Impugned order is quashed and set aside. Respondent-Committee is directed to issue certificate of validity to the petitioner as she belonging to Scheduled

Tribe Mana, within four weeks from the date of receipt of the order.

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

S. M. MODAK, J

SUNIL B. SHUKRE, J

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