

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 495 OF 2020

Gopichand S/o Pandurang Randhaye,
Aged 46 years, Occ. Service,
R/o Kotgaon, Tah. Nagbhid,
Dist. Chandrapur

..... PETITIONER

// **VERSUS** //

The Vice-Chairman/Member-
Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee, Gadchiroli

...RESPONDENT

Ms. Preeti D. Rane, Advocate for petitioner.
Ms. N.P Mehta, AGP for sole-respondent.

CORAM : SUNIL B. SHUKRE AND
ANIL S.KILOR, JJ.

DATED : 6th September, 2021.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by consent of the parties.

3. On going through the impugned order, it can be seen without any difficulty that the Scrutiny Committee has not appreciated the pre-constitutional documents properly and has rejected the caste validities existing in the family on grounds not

tenable at law as rightly submitted by the learned counsel for the petitioner, although, learned Assistant Government Pleader would defend the impugned order.

4. There are three certificates of validity issued to three blood relatives of the petitioner from the paternal side. These three blood relatives are (1) Kevalram Hagruji Randhaye, (2) Neha Kevalram Randhaye and (3) Akshay Kevatram Randhaye. The validities have been granted on 2nd June, 2009, 24th April, 2009 and 7th February, 2009 by the Scrutiny Committees at Gadchiroli, respectively. These validities have been rejected by the respondent on the ground that they were issued without any vigilance inquiry, but, the respondent has not recorded any finding about the validities having been obtained by playing fraud upon the Committee or any misrepresentation nor any notice has been issued to any these family members of the petitioner calling for their explanation as to why appropriate action be not taken against them for manipulatively obtaining the validities.

5. In such set of facts and circumstances, the view taken by us in the case of Ku. Nayan D/o Bhaskar Chouke Vs. The Scheduled Tribes Caste Scrutiny Committee, Nagpur and another in Writ Petition No. 491 of 2019 decided on 16th July

2021 would apply and accordingly, we find that on this count the Scrutiny Committee has committed any grave error and therefore, the view of the Scrutiny Committee which is based on such grave error and illegality cannot be upheld by us.

6. Apart from what is stated above there is also oldest pre-constitutional document of the year 1921-22 issued in the name of Vijya S/o Vihitya Mana (Page 29) and one more document of the year 1945 issued in the name of father of the petitioner, both of which show the social status of these relatives of the petitioner as that of “Mana” community. These documents further fortify the claim of the petitioner.

7. In view of above, we allow the petition. The impugned order is hereby quashed and set aside.

8. The respondent-Scrutiny Committee is directed to issue validity certificate to the petitioner as he belonging to “Mana” Schedule Tribe within a period of four weeks from the date of receipt of the order. Rule accordingly. No order as to costs.

JUDGE

sknair

JUDGE