

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

MCA NO. 138/2015 IN WRIT PETITION NO. 4593 OF 2013

(Kum. Rushali d/o Shankar Sawsakade vs. Scheduled Tribe Certificate Scrutiny Committee,
Nagpur thr. its Chairman & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
FEBRUARY 04, 2015.**

Heard Shri Dhok, learned counsel for the applicant/ petitioner, Mrs. Dangre, learned counsel for respondent No. 1 and Shri Fulzele, learned Additional GP for respondent Nos. 2 & 3.

Writ Petition No. 4593 of 2013 is rejected by this Court on 12.01.2015 after noticing that the Scrutiny Committee came across certain documents which recorded caste as *Kunbi*. The document which records date of birth as 23.07.1928 finds mention in that order as document with date 27.03.1928. It is, therefore, obvious that said document has also been looked into by this Court. In addition, this Court has also found that affinity test has also been applied.

When the Scrutiny Committee has found documents which are inconsistent with caste claim and also found that affinity did not establish that the petitioner belongs to *Mana, Scheduled Tribe*, this Court has found it not proper to intervene in writ jurisdiction.

The learned counsel submits that the old document has not been considered. The learned counsel has also cited the judgments reported in the case of Kumari Madhuri Patil & Anr. vs. Additional Commissioner, Tribal Development & Ors., reported at AIR 1995 SC 94; Shilpa Vishnu Thakur vs. State of Maharashtra & Ors., reported at 2009 (3) Mh. L.J. 995 and Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No. 1 & Ors., reported at 2010 (6) Mh. L.J. 401. It is obvious that the petitioner aims to have a fresh hearing of writ petition in the guise of review.

As no case for review is made out, it is not possible for us to conduct rehearing. Application is rejected. Upon request of the learned counsel, as the applicant is a student, we protect his education for eight weeks more. This order shall cease to operate automatically thereafter.

JUDGE

JUDGE

*G.S.