

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

WRIT PETITION No.4040 OF 2014

(Dnyaneshwar Shankarrao Sawsakde .vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli and Ors.)

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

Court's or Judge's orders

Mrs. Geeta Tiwari, Adv. for the petitioner.
Mrs. Bharti Dangre, G.P. for respondent no.1.
Mr. A.S. Fulzele, A.G.P. for respondent nos.3 & 4.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 5th JANUARY, 2015.

Heard.

The petitioner, who obtained the Caste Certificate showing his caste as 'Mana' Special Backward Class, also got it validated in accordance with law and is in Government service on the strength of that Certificate.

However, thereafter, he wanted to shift to Scheduled Tribe and it appears that, he obtained the Caste Certificate showing himself to be belonging to 'Mana' Scheduled Tribe. Validity to that Certificate is rejected by respondent no.1/Caste Scrutiny Committee.

According to the learned Counsel for the petitioner, when the petitioner obtained Certificate as belonging to the Special Backward Class, caste 'Mana'

was not recognized as a Scheduled Tribe.

According to Mrs.Bharti Dangre, learned Government Pleader appearing on behalf of respondent no.1/Committee and Mr.A.S.Fulzele, learned A.G.P. appearing on behalf of respondent nos. 3 and 4, caste 'Mana' was always a Scheduled Tribe and as such, the reason to support contention that the petitioner got Certificate showing his caste as 'Mana', which was recognized as a Special Backward Class is incorrect.

The petitioner got certificate as 'Mana' Special Backward Class candidate on 17.8.2002. On that day and even before that, 'Mana' was also included as Scheduled Tribe under the Constitution Scheduled Tribes Order, 1950.

In this situation, we do not find any merit in the contention that since the caste 'Mana' was recognized as a Scheduled Tribe later on, the petitioner wanted to shift to Scheduled Tribe category.

Not only this, the Caste Scrutiny Committee has applied the affinity test and found that the petitioner did not satisfy it. No case is, therefore, made out warranting interference. Hence, the petition is rejected. No costs.

JUDGE

JUDGE