

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

WRIT PETITION NO. 5652 OF 2015

Rajesh Shankarrao Gadpaye

-vs-

Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, thr.its Chairman and others

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

Court's or Judge's Orders.

Mr.P. P. Dhok, counsel for the petitioner.
Mr.Nikhil Joshi, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 19.01.2016.

By this writ petition, the petitioner challenges the order of the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli, dated 06/05/2015, invalidating the claim of the petitioner of belonging to 'Gond-Gowari' Scheduled Tribe.

The petitioner had claimed to belong to 'Gond-Gowari' Scheduled Tribe and had, therefore, submitted his caste claim to the Scrutiny Committee for verification. Initially, the petitioner filed certain documents in support of his tribe claim. However, during the pendency of the matter before the Scrutiny Committee, the petitioner executed an affidavit before the Executive Magistrate, Chandrapur on 14/07/2014 that he belongs to 'Gowari' caste and does not belong to 'Gond-Gowari' Scheduled Tribe. The said affidavit was placed by the petitioner before the Scrutiny Committee. Since the petitioner had given up his claim of belonging to 'Gond-Gowari' Scheduled Tribe by filing an affidavit that he belongs to 'Gowari' caste and not 'Gond-Gowari' Scheduled Tribe, the Scrutiny Committee invalidated the caste certificate of the petitioner. The petitioner has challenged the order of the Committee by this writ petition.

According to the learned counsel, in view of the judgment of the Hon'ble Supreme Court in the case of Madhuri Patil v. Additional Commissioner, Tribal Development, reported in AIR 1995

SC 94 as also Rule 12 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, it was necessary for the Scrutiny Committee to conduct a vigilance enquiry in the matter of the tribe claim of the petitioner. It is stated that as soon as the tribe claim was made before the Committee, the Committee was required to conduct a vigilance enquiry and verify the tribe claim of the petitioner, in accordance with the provisions of the Act No.XXIII of 2001.

On hearing the learned counsel for the parties, we find that the Committee has not committed any error in invalidating the tribe claim of the petitioner. Though the petitioner had initially claimed to belong to 'Gond-Gowari' Scheduled Tribe, the petitioner had during the pendency of the proceedings before the Scrutiny Committee submitted an undertaking/affidavit executed before the Executive Magistrate that the petitioner does not belong to 'Gond-Gowari' Scheduled Tribe, but belongs to 'Gowari' caste. Since 'Gond-Gowari' is a Scheduled Tribe and since 'Gowari' caste is included in the Special Backward Classes, the Scrutiny Committee rightly invalidated the claim of the petitioner of belonging to 'Gond-Gowari' Scheduled Tribe. After having submitted an affidavit and made a confession that the petitioner does not belong to 'Gond-Gowari' Scheduled Tribe and belongs to 'Gowari' caste, the petitioner cannot be permitted to turn around and challenge the order of the Scrutiny Committee that is based on the affidavit executed by the petitioner before the Executive Magistrate.

Since the order of the Scrutiny Committee is based on the affidavit by which the petitioner gave up his caste claim, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE