

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10329 OF 2017

Neha d/o. Govind Bashte

...Petitioner

vs.

The Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati and Others

...Respondents

Mr. A. S. Golegaonkar a/w. Mr. M. A. Golegaonkar for the
Petitioner.

Mr. A.A. Kumbhakoni, Advocate General a/w. Mr. Akshay Shinde,
Special Counsel and Mr. Sandeep Babar, AGP for the Respondent.

**CORAM : SHANTANU KEMKAR &
GIRISH KULKARNI, JJ.**

DATE : SEPTEMBER 28, 2017

P.C. :

1. By filing this petition under Article 226 of the Constitution of India, the petitioner has assailed the order dated 2nd September 2017 passed by the 2nd respondent - the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad "for short the Committee" whereby the Committee has rejected the petitioner's claim for validation of her caste certificate as belonging to "Mannervarlu". In support of her claim the petitioner had filed as many as 16

documents including the caste validation certificate issued by the Caste Scrutiny Committee in favour of his father Govind Shankar Baste as also the caste validity certificate issued in favour of his real sister Ashwini Govind Bashte. The Committee has discarded the said validity certificates on the ground that, though while granting the said validity certificates, the Vigilance Cell has considered various documents but in its report there is no reference of any document of pre-Constitution period. It has also been recorded by the Committee that two documents relating to school admission extracts of the petitioner's father and his cousin grandfather records that they are belonging to caste “munnervalru” and “mannervar” respectively.

2. The learned counsel for the petitioner submits that so far as the reference regarding “munnervarlu” in respect of the petitioner's father's school admission extract is concerned, this court at Aurangabad Bench in **Writ Petition No.3223 of 2002** in the case of **Sanjay Haribhau Munnur Vs. The State of Maharashtra & Ors.** decided on **13th September 2017** as also Division Bench of this court at Bombay in the case of **Ankita Ashok Nimmalwar**

Vs. State of Maharashtra & Ors. in Writ Petition (ST)

No.25738 of 2017 decided on 25th September 2017 has taken a view that the description about the nomenclature as referred to in the school certificate may not be relevant, as the description is purely on the basis of vernacular. It has also been held that in the absence of there being any other caste like “munnervarlu”, an entry to that effect will not change the caste. Moreover, we find that even Govind Shankar Baste, i.e. father of the petitioner has already been granted caste validity certificate after vigilance report. So far as the entry in relation to Devrao Keraba Baste, the learned counsel for the petitioner submits that his son Balaji has also been granted caste validity certificate by the Caste Scrutiny Committee at Aurangabad itself vide a detailed order dated 19th May 2006. In the circumstances, according to him, a mention of caste in school admission extracts as “mannervar” is of no consequence.

3. On the other hand, the learned AGP for the respondent State has supported the impugned order. He submits that the findings recorded by the Committee are based on the correct appreciation of evidence and needs no interference.

4. Having considered the submissions made by the learned counsel for the parties and having gone through the impugned order as also the relevant record, we are of the view that the impugned order deserves to be set aside.

5. We find that the reason assigned by the Committee for discarding the two validity certificates on the ground that while granting those certificates, there were no documents of pre-Constitution period, cannot be said to be a valid ground. The existence and production of document of pre-Constitution period is not a *sine qua non* for grant of validity certificate. In some cases, there may be documents available of pre-Constitution period and in some cases there may not be. Merely because the pre-Constitution documents were not available during the vigilance inquiry conducted in respect of the petitioner's father and sister that itself be cannot a ground to discard those validity certificates and it cannot be made a ground to reject the petitioner's caste validity claim.

6. We have also noticed that the petitioner's father has already

been granted validation certificate, in the circumstance school admission extract of petitioner's father for denying the claim of the petitioner, is also of no consequence. Similarly, the school admission extract of cousin grandfather, is not of any relevance as Balaji, son of said Devrao Keraba Baste has already been granted caste validity certificate by the Committee by a reasoned order dated 19.05.2006.

7. In the circumstances, the order passed by the Committee is unsustainable, the same deserves to be and is hereby quashed and set aside.

8. The Committee is directed to issue caste validity certificate to the petitioner in respect of the case “mannervarlu” scheduled tribe forthwith.

9. Needless to say that these observations will not come in the way of the Committee while deciding the show cause notice issued by it to the relatives of the petitioner.

(GIRISH KULKARNI, J.)

(SHANTANU KEMKAR, J.)