

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

WRIT PETITION NO.3947 OF 2018

Jayant s/o Amrutrao Nimje, Jaibhavani Nagar, Aurangabad

-vs-

State of Maharashtra, Thr. Secretary, Tribal Development Department, Mantralaya, Mumbai
and ors.

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

Court's or Judge's Orders.

Shri Ashwin Deshpande, Advocate for petitioner.
Shri Shishir Ukey, Assistant Government Pleader for respondent Nos.1
and 2.
Shri V. G. Wankhede, Advocate for respondent No.3.

CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : MARCH 04, 2020

Rule. Rule made returnable forthwith. Heard finally with consent of counsel for parties.

The petitioner challenges the order dated 15/06/2018 passed by the respondent No.2-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati rejecting the petitioner's claim of belonging to 'Halbi' scheduled tribe.

2. It is submitted by the learned counsel for the petitioner that the petitioner's sister Yogita had filed Writ Petition No.7946/2018 challenging the order of invalidation passed by the respondent No.2- Scrutiny Committee and on 26/02/2020 the said writ petition was allowed. After setting aside the order passed by the Scrutiny Committee, a validity certificate was directed to be issued to the said petitioner Yogita.

3. On perusing the family tree of the petitioner which was considered by the Scrutiny Committee it is found that the petitioner is the brother of Yogita. In that view of the matter for the reasons assigned in Writ Petition No.7946/2018 and in the light of the law laid down in *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny and ors. 2010(6) Mh.L.J. 401*, the following order is passed :

- (i) Order dated 15/06/2018 passed by the respondent No.2- Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, is hereby quashed and set aside.
- (ii) The claim of the petitioner of belonging to 'Halbi' Scheduled Tribe which is an entry at Sr. No.19 of the Constitution (Scheduled Tribes) Order, 1950 is held to be valid. The Committee is accordingly directed to issue the Caste Validity Certificate in the name of the petitioner within a period of six weeks from today.
- (iii) Rule is made absolute in aforesaid terms.
No order as to costs.

JUDGE

JUDGE