

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

WRIT PETITION NO. 2421 OF 2014

Dharamdas S/o. Gopalrao Galmale,
aged about 41 years, Occ. : Service,
R/o. Virwaha, Post : Pethgaon,
Tah. Sindewahi, Distt. Chandrapur.

.... **PETITIONER.**

// **VERSUS** //

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Gadchiroli, through its Chairman.
2. The Head-master,
Zilla Parishad Primary School,
Rajoli, Tah. Mul, Distt. Chandrapur.
3. The Chief Executive Officer,
Zilla Parishad, Chandrapur.

.... **RESPONDENTS.**

Ms Preeti Rane, Advocate for Petitioner.
Ms N.P.Mehta, A.G.P. for Respondent No.1.
Shri M.M.Sudame, Advocate for Respondent No.3.

CORAM : **SUNIL B. SHUKRE AND**
 ANIL S. KILOR, JJ.

DATED : **AUGUST 06, 2021**

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard.
2. The petitioner has questioned the legality and correctness of the order dated 12/03/2014 passed by respondent No.1 thereby invalidating the claim of the petitioner as he belonging to Scheduled Tribe "Mana".
3. During pendency of this petition, a new development occurred. The development was in the nature of grant of Validity Certificate by the same Scrutiny Committee i.e. respondent No.1 on 17th September 2019 to Pragati Dharamdas Galmale, who is said to be the daughter of the petitioner. Name of Pragati did not find any mention in the genealogical tree that was placed before the Scrutiny Committee by the petitioner. But, the contention of the learned counsel for the petitioner is that at the time when the impugned order was passed, the circumstances being different, there was no need for the petitioner to have included names of his children in the genealogical tree. The explanation given on behalf of the petitioner is reasonable and therefore, it is accepted. But, this does not mean that we have also accepted the contention that Pragati is the daughter of the petitioner and this fact would have to be proved appropriately by the petitioner.

4. Now, position that emerges is that if Pragati is the daughter of the petitioner, who has been declared to be a person as belonging to “Mana”, Scheduled Tribe by the Scrutiny Committee of the competent jurisdiction, in the ordinary course of circumstances, the contention should go a long way in supporting the case of the petitioner. However, this certificate not being available for its appropriate consideration at the time when the impugned order was passed, an opportunity would have to be given to the petitioner to place these documents afresh before the respondent No.1-Committee and to prove his claim by relying upon this certificate that he too belongs to Scheduled Tribe Mana. Afterall, any decision affecting adversely, the social status of a person has the consequences which may continue to affect that person for his entire life. Several benefits under the law flow from the reservation policy of the State and if a person is deprived of an effective opportunity of proving his caste claim, the effect would be disastrous for such a person in time to come. Therefore, in such a case, in spite of the fact that a piece of evidence, which is the certificate of validity issued to Pragati, claimed to be his daughter by the petitioner was not placed before the Committee for the reason of it being not available, is required to be placed before the

respondent No.1-Committee for its appropriate consideration by remanding this matter to the respondent No.1-Committee. This would also call for conduct of the proceedings afresh from the stage of production of the documents by the petitioner.

5. The petitioner, apart from questioning the legality and correctness of the impugned order passed by the Scrutiny Committee, is also seeking other relief in the nature of quashing and setting aside the new appointment order. However, at this stage, we are not inclined to consider this prayer and we grant liberty to the petitioner to raise his grievance in this regard, if any, after the Scrutiny Committee takes its appropriate decision afresh in the matter.

6. Accordingly, we pass the following order:

- i) The petition is partly allowed.
- ii) The impugned order is hereby quashed and set aside.
- iii) The matter is remanded back to the Scrutiny Committee for its fresh consideration and decision in accordance with law from the stage of consideration of the documents which are now permitted to be placed on record by the petitioner.

- iv) The petitioner is permitted to place on record a fresh genealogical tree and the Tribe Validity Certificate issued to Pragati Dharamdas Galmale.
- v) The petitioner shall appear before the respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli on 9th August 2021 at 11:00 a.m.
- vi) The respondent No.1-Committee shall decide the tribe claim of the petitioner, as directed herein above, as expeditiously as possible, preferably within three months from the date of appearance of the petitioner.

Rule accordingly. No costs.

(ANIL S. KILOR, J)

(SUNIL B. SHUKRE, J.)

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