

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2522 OF 2020**

Nitishkumar Govind Sable and another.	]	Petitioners
Vs.		
State of Maharashtra through Deputy	]	
Commissioner & Vice President,	]	
Schedule Tribe Caste Certificate Verification	]	
Committee at Nashik.	]	Respondents

.....

Dr. Uday Warunjikar a/w Mr. Siddesh Pilankar, for Petitioners.
Mrs. P.N. Diwan, A.G.P. for Respondent-State.

.....

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 4th MARCH, 2022.

P.C.

1. Rule.
2. Rule made returnable forthwith. Heard finally by consent.
3. After the impugned order was passed on 2nd August, 2019, according to learned Counsel for the petitioners, there were subsequent developments in the nature of new information having been received by the petitioners as regards relatives of the

petitioners having been granted validity certificates by Scheduled Tribe Certificate Scrutiny Committee at Nashik and also at some other places. Therefore, learned Counsel for the petitioners submits that even if validity certificates of Sambhaji Murlidhar Sable and Shivaji Murlidhar Sable, which were produced before the scrutiny committee are ignored, new validity certificates issued in favour of the blood relatives of the petitioners from parental side would prove the claim of the petitioners that they belong to Mahadev Koli Scheduled Tribe.

4. The certificates subsequently obtained, copies of which are filed on record by the petitioners are issued to Ganesh Malhari Sable and Maruti Malhari Sable, the relatives of the petitioners from the paternal side by Scheduled Tribe Certificate Scrutiny Committee, Nashik in the year 2008 and 2013 respectively.

5. It has been held by this Court in several matters that caste and tribe claims are momentous in nature, in the sense, they have potential of impacting the life of the claimant and also lives of relatives and future generations of the claimant and, therefore, if any new evidence has been collected, such claimant must be given an opportunity to prove his or her caste or tribe claim afresh.

6. In this view of the matter, we find that one more opportunity needs to be given to the petitioners to prove their tribe claim and for that matter, it would be necessary that the impugned order is quashed and set aside. The Petition is allowed. The impugned order is hereby quashed and set aside. Matter is remanded back to

the respondent for fresh consideration of the tribe claim of the petitioners. For this purpose, the respondent shall be at liberty to consider the earlier vigilance report and also it would direct vigilance inquiry if it considers necessary so to do. Similarly, the petitioners would also be at liberty to produce before the scrutiny committee additional documents including the validity certificates issued in favour of the relatives of the petitioners from the paternal side.

7. We direct the respondent-Committee to take decision in the matter in accordance with law at the earliest and preferably within a period of four months from the date of appearance of the petitioners before the respondent. The petitioners shall appear before the respondent on 9th March, 2022.

8. Rule is made absolute in the aforesaid terms. No costs.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]