

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3355/2022

Mr. Dinesh S/o Laxmanrao Dandekar,
aged about 52 Yrs., Occ. Service,
R/o Near Durga Devi Mandir, Mahasul
Nagar, Waghapur, Yavatmal, Dist. Yavatmal. ... Petitioner

- Versus -

1. The Scheduled Tribe Certificate Scrutiny Committee, Amravati, Opposite of Office of State Information Commission, Chaprashipura, Amravati.
2. Secretary, Regional Service Selection Board, Amravati Region, office at Akola.
3. Superintending Engineer, Yavatmal Irrigation Project Board, Yavatmal, Dist. Yavatmal.
4. Deputy Superintending Engineer, Yavatmal Irrigation Project Board, Yavatmal, Dist. Yavatmal.
5. Executive Engineer, Yavatmal Medium Irrigation Project, Yavatmal, Dist. Yavatmal.
6. Sub-Divisional Engineer, Minor Irrigation / Construction Sub-Division No.2, Yavatmal, Dist. Yavatmal. ... Respondents

Mr. Ananta Ramteke, Advocate for the Petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for Respondent No.1.
Mr. T.M. Zaheer, Advocate for respondent Nos.5 and 6.

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

DATE : 20.9.2022

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

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. In a consistent line of precedents set by us, this Court has declared that the caste or tribe validity certificate issued to a family member from paternal side of the petitioner serves as a satisfactory proof of the social status of the petitioner claiming to be belonging to a backward class, unless certificate has been found to be obtained by playing fraud or misrepresenting the facts or suppressing the material facts.

3. In the present case, the tribe certificate issued to Anil Laxmanrao Dandekar, real brother of the petitioner, was validated by the Nagpur Scrutiny Committee on the directions of the Supreme Court of India in Special Leave Petition No.19966/2003 arising out of Writ Petition No.959/2022 on 11.6.2003. It is not

the case of anybody that Anil Laxmanrao Dandekar was issued tribe validity certificate on the basis of fraud played by him or misrepresentation or suppression of material facts by him.

4. We, therefore, see no justification in the Scrutiny Committee refusing to accept this certificate as a reasonable proof of social status claimed by the petitioner. The Amravati Scrutiny Committee could not have rejected the certificate on the specious ground that it was issued by the Nagpur Scrutiny Committee on the directions of the Supreme Court of India, without making due enquiry. Giving such a reason for rejecting tribe validity certificate of a paternal relative amounts to an act which is not only disrespectful to the law declared by the Supreme Court, which is binding on all the authorities across India, but is also contemptuous of authority of the Supreme Court of India. Such refusal by the Scrutiny Committee of Amravati cannot be sustained by this Court. The tribe validity certificate held by Anil Laxmanrao Dandekar, in our opinion, is a reasonable proof of the social status claimed by the petitioner and, therefore, the

petitioner is entitled to have validated his tribe claim by the Amravati Scrutiny Committee. In the result, the petition is allowed in terms of prayer clauses (I) and (II) which read as follows:-

“I) Quash and set aside the order dated 15.09.2021 (Annexure-D) passed by respondent No.1 Scrutiny Committee, Amravati.

II) Hold and declare that the claim of the petitioner for “Mana” Scheduled Tribe is valid and direct the respondent No.1 Committee to issue caste (sic : tribe) validity certificate to the petitioner immediately.”

5. Scrutiny Committee is directed to issue tribe validity certificate of Mana Scheduled Tribe to the petitioner within a period of two weeks from the date of receipt of the order.

6. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)