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

WRIT PETITION NO.1221 OF 2020

Ku.Ankita d/o Keshav Gajbe,
Aged about 19 years, occupation
student, r/o at-post – Mowad,
Ward No.17, tahsil Narkhed,
District Nagpur – 441303. **Petitioner.**

:: V E R S U S ::

1. Joint Commissioner & Vice-Chairman,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Adiwasi Vikas Bhavan, Giripeth, Nagpur.

2. The Registrar, Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur.

3. The Principal, Nagpur Institute of Technology,
Mahurzari, Nagpur. **Respondents.**

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Shri S.R.Narnaware, Counsel for the Petitioner.
Shri P.B.Patil, Counsel for the Respondent No.2.
None for the Respondent No.3.
Shri N.R.Rode, Assistant Government Pleader for the Respondent
No.1.
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CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**
DATE : **JUNE 23, 2022**

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard the learned counsel Shri S.R.Narnaware for the
petitioner, learned counsel Shri P.B.Patil for the respondent No.2
and the learned Assistant Government Pleader Shri N.R.Rode for the
respondent No.1. Nobody appears for the respondent No.3 though
it is duly served. **Rule.** Rule made returnable forthwith. Heard
finally by consent of the learned counsel for the respective parties.

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2. The petitioner has challenged the order passed by the respondent No.1 – Scrutiny Committee, Nagpur on 30.7.2018 thereby invalidating the tribe claim of the petitioner of belonging to 'Mana' Scheduled Tribe.

3. Undisputedly, the petitioner's sister has been issued Validity Certificate by the very same Scrutiny Committee which had invalidated the petitioner's tribe claim. After passing of the order impugned in this writ petition, the said Scrutiny Committee after conducting Vigilance Enquiry has granted Validity Certificate to the petitioner's sister on 15.7.2019. It is also to be noted that the petitioner's father has already been issued Validity Certificate.

4. Though the learned Assistant Government Pleader Shri N.R.Rode for the respondent No.1 – Scrutiny Committee by relying upon the affidavit-in-reply filed by the respondent No.1 – Scrutiny Committee sought to support the order passed by the Scrutiny Committee, we find that the very same Scrutiny Committee having issued Validity Certificate to the petitioner's sister, the petitioner is entitled for the benefits of that adjudication. The ratio of the decision in *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others* [2010(6) Mh.L.J. 401], squarely applies to the case in hand. For these reasons, the order impugned in this writ petition dated 30.7.2018 passed by the respondent No.1 – Scrutiny Committee, Nagpur cannot be

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sustained. It is accordingly set aside.

5. It is declared that the petitioner belongs to 'Mana' Scheduled Tribe. The respondent No.1 - Scrutiny Committee, Nagpur shall issue Validity Certificate to the petitioner within a period of four weeks from the production of this judgment.

The writ petition is allowed and disposed of. Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

**BHUSHAN
RANA
WANKHEDE**

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