

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

WRIT PETITION NO. 1588 OF 2022

Vidhya w/o Manohar Pinjarkar
(maiden name Vidhya d/o Sitaram Mungalkar),
aged about 56 years, Occ. Service,
R/o Jaimalhar Apartment, B Wing 204,
Kalyan Padgha Road, Babgaon Devrung,
Lonad, Tal. Bhiwandi, District Thane.

PETITIONER

.....VERSUS.....

1. Deputy Director/ Member Secretary,
Scheduled Tribe Scrutiny Committee,
having its office near Government Rest House,
Old bye-pass road, Chaprashshi Pura, Amravati.
2. District Health Officer,
Zilla Parishad, Thane.
3. The State of Maharashtra.

RESPONDENTS

Shri T.U. Tathod, Advocate for the petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for respondent Nos. 1 and 3/
State.

CORAM : A.S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 7, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
Counsel for the parties.

2. The challenge raised in this Writ Petition is to the order
passed by the Scrutiny Committee on 24/1/2022 thereby invalidating the
tribe claim of the petitioner of belonging to 'Raj' Scheduled Tribe.

3. It is submitted by the learned Counsel for the petitioner that the blood relatives of the petitioner being Gaurav Chandrashekhar Mungalkar as well as Nishant Chandrashekhar Mungalkar have been granted validity certificates pursuant to the judgments in Writ Petition No. 5040/2021 and Writ Petition No. 2402/2022 respectively. It is submitted that the very same documents that were relied upon in those proceedings are relied upon by the present petitioner. Hence, on 4/8/2022, the learned Assistant Government Pleader was directed to verify the said decisions. After verifying the said orders, the learned Assistant Government Pleader submits that the said blood relatives have been issued validity certificates.

4. In view of aforesaid, by following 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]* and for the reasons recorded in Writ Petition No. 5040/2021 decided on 25/1/2022 as well as Writ Petition No. 2402/2022 decided on 21/6/2022, the following order is passed :

i. The order passed by the Deputy Director/ Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati on 24/1/2022 is set aside.

ii. It is declared that the petitioner belongs to 'Raj' Scheduled Tribe which is entry No. 18 in the Constitution (Scheduled Tribes) Order, 1950.

iii. The Scrutiny Committee shall issue the validity certificate to the petitioner within a period of four weeks from today. Till the validity certificate is issued to the petitioner, she is free to rely upon copy of this judgment to indicate that it has been declared that the petitioner belongs to 'Raj' Scheduled Tribe.

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

(ANIL L. PANSARE, J.)

(A.S. CHANDURKAR, J.)

SUMIT