

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

WRIT PETITION NO.2132/2013

Dashrath s/o Gajanan Wakade,
aged about 32 years, Occ. Member,
r/o Sirsi, Tq. Umrer, Dist. Nagpur.**PETITIONER**

...V E R S U S...

1. The Collector, Nagpur.
2. The Sub-Divisional Officer,
Umer, Dist. Nagpur.
3. The Scheduled Tribe Caste
Scrutiny Committee, Adiwasi Vikas
Bhavan, Giripeth, Nagpur.**RESPONDENTS**

Ms P. D. Rane, Advocate for petitioner.
Mr. K. L. Dharmadhikari, A.G.P. for respondents.

CORAM:- ROHIT B. DEO & ANIL L. PANSARE, JJ.
DATED :- 25.08.2022

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

The petitioner's claim as belonging to *Mana* -
Scheduled Tribe, has been invalidated by respondent no.3-
Scheduled Tribe Caste Certificate Scrutiny Committee,
Nagpur, vide it order dated 30.03.2013.

2. The petition came to be admitted on 24.03.2014. While admitting the petition, ad interim relief granted in favour of the petitioner was continued during the pendency of the present petition.

3. We have heard Ms Rane, learned counsel for the petitioner and Mr. Dharmadhikari, learned A.G.P. for respondents.

4. The petitioner has submitted before the respondent no.3-Committee, as many as 14 documents in support of his tribe claim. One of the important documents is the attested copy of the birth extract in respect of female child born on 01.12.1923 to the applicant's great grandfather – Rama Mana. The vigilance cell report indicates that the said document is genuine. The respondent no.3-Committee has also not disputed the said document. However, it has relied upon another document of the year 1963 to discard the pre-Constitutional document of the year 1923. The respondent

no.3-Committee has referred to the school record of the applicant's father of the year 1963 in which the caste is recorded as *Mani*.

5. There is another document showing caste 'Mana'. It is an attested photocopy of birth extract in respect of birth of the male child to the applicant's grandfather Shri Bhadu Rana Mana on 07.11.1964. Further, the Committee has also referred to the documents being the death certificate dated 17.08.2004 in respect of the applicant's paternal grandfather namely; Bhadu Ramaji Wakade, showing caste as *Mana*. Despite all other documents showing caste 'Mana', the respondent no.3-Committee has jumped to the conclusion on the basis of the 1963 document, that there is inherent discrepancy in the castes mentioned in the documents pertaining to the applicant and his blood relatives.

6. Admittedly, except for one document, all documents submitted by the petitioner including the pre-Constitutional document of the year 1923, indicates that the

caste of his blood relative is *Mana*. In the circumstances, we find that the respondent no.3-Committee, without assigning any reason, could not have rendered a finding that there is inherent discrepancy in the caste mentioned in the documents pertaining to the petitioner and his blood relatives. Picking one document showing caste Mani, reading it in isolation while ignoring all other documents showing the caste as *Mana* which includes pre-Constitutional document and rendering aforesaid finding is not a recognized approach of analysing and evaluating the documents placed before any authority. The Committee ought to have considered all the documents and ought not to have picked single document to invalidate the tribe claim of the petitioner.

7. Further, the entry 'Mana' at Sr.No.18 in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, must be read as it is and therefore the documents produced before the respondent no.3-Committee, particularly pre-Constitutional documents have high probative value, showing caste 'Mana' must be recognized as Mana, Scheduled

Tribe. The area restriction has already been removed. In the circumstances, when there is overwhelming documentary evidence of the year 1923 showing caste as *Mana*, the respondent no.3-Committee ought to be mindful of the fact that pre-Constitutional documents supported by all but one document would prevail over the affinity test which is not a litmus test.

8. We are thus satisfied that the documentary evidence led by the petitioner before the respondent no.3-Committee supports his tribe claim as belonging to 'Mana'. The impugned order, therefore, is liable to be rejected.

9. In the result, we pass the following order.

(i) Impugned order dated 30.03.2013 passed by respondent no.3-the Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur, thereby invalidating the tribe claim of the petitioner, is quashed and set aside.

(ii) It is hereby held and declared that the petitioner belongs to "Mana-Scheduled Tribe".

(iii) The respondent no.3-Committee shall issue validity certificate to the petitioner as belonging to *Mana-* Scheduled Tribe, within a period of six weeks from today.

(iv) Rule is made absolute in the above terms.
No order as to costs.

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)

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