

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

WRIT PETITION NO.4376/2022

Miss. Janhavi D/o Subhash Jambhule,
aged about 19 Yrs., Occ. Student,
R/o Plot No.72, Vivekanand Society,
Yavatmal, Tah. & Dist. Yavatmal. ... Petitioner

- Versus -

Deputy Director & Member Secretary,
The Scheduled Tribe Certificate Scrutiny
Committee, Amravati, opposite of office of
State Information Commission
Chaprashipura, Amravati. ... Respondent

Mr. Ananta Ramteke, Advocate for the Petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for the
Respondent.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.
DATE : 15.9.2022**

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

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

Heard finally by consent of learned counsel for the parties.

2. It is seen from the impugned order that the validity certificate issued to Madhav Kawduji Jambhule by Nagpur Scrutiny Committee as he belonging to Mana Scheduled Tribe has not been considered by the Amravati Caste Scrutiny Committee on the ground that this validity was granted by Nagpur Scrutiny Committee on the basis of directions issued by the Supreme Court of India. The reasoning adopted by the Scrutiny Committee for rejecting the evidentiary value of validity certificate granted to Madhav Kawduji Jambhule is very strange. While the Scrutiny Committee does not dispute petitioners relationship with Madhav Kawduji Jambhule which relationship is from the paternal side, the Scrutiny Committee gives no weightage to the validity certificate on the spacious ground that the validity was granted on the direction of the Supreme Court and not upon due consideration of the entire material by the Nagpur Scrutiny Committee. This way the Scrutiny Committee of Amravati is trying to suggest that the directions given by the Supreme Court were not upon due consideration of the relevant

material placed on record by Madhav Kawduji Jambhule and thus the present Scrutiny Committee is defying the law laid down by the Apex Court making it vulnerable to the contempt of Supreme Court of India. The approach of the present Scrutiny Committee is deplorable and we denounce the same in strongest term.

3. In our opinion and it is settled law that a validity certificate granted to a person is conclusive proof of the social status of that person and if that person is proved to be a relative of a seeker of validity certificate of the same caste or tribe from the paternal side, there is no reason why an authority like the Scrutiny Committee should reject the validity certificate and attach no evidentiary value to the same.

4. The order of the Scrutiny Committee is, therefore, illegal and deserves to be quashed and set aside.

5. The petition is allowed in terms of prayer clauses (i) and (ii).
6. Compliance shall be made by the Amravati Scrutiny Committee within a period of three weeks from the date of the order.
7. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Tambaskar.

Signed By:NILESH VILASRAO
TAMBASKAR

Private Secretary
Date:16.09.2022 10:37