

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

WRIT PETITION NO. 3340 OF 2019

Nikita D/o Dadaji Gaikwad,
Aged about 20 years, Occ. Student,
R/o Pohane Layout, Borda,
Ta. Warora, Dist. Chandrapur.

PETITIONER

.....VERSUS.....

1. State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. Scheduled Tribes Caste Scrutiny Committee,
through its Member Secretary,
Zilla Parishad Complex Area,
Gadchiroli, Dist. Gadchiroli.

RESPONDENTS

Shri S.D. Borkute, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : 15/11/2022

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 of invalidation dated 3/9/2018 passed by the Scrutiny Committee, Gadchiroli. By the said order, the claim of the petitioner of belonging to 'Mana' Scheduled Tribe has been rejected. It is seen that a similar order was passed in the case of the petitioner's father on the same day. That

order was challenged in Writ Petition No. 938/2019. By the judgment dated 9/4/2019, the Division Bench set aside the order passed by the Scrutiny Committee and directed issuance of caste validity certificate to the petitioner's father. Accordingly, the Scrutiny Committee has issued validity certificate to the petitioner's father on 5/4/2019.

3. In view of aforesaid, by applying the law laid down by this Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others* [2010(6) Mh.L.J. 401], it is held that the petitioner is entitled to the benefit of the judgment rendered in her father's case. Hence, for the reasons recorded in the judgment dated 9/4/2019 in Writ Petition No. 938/2019, the following order is passed :

i. The order dated 3/9/2018 passed by the Scrutiny Committee is set aside. It is declared that the petitioner has proved that she belongs to 'Mana' Scheduled Tribe which is entry No.18 in the Constitution (Scheduled Tribes) Order, 1950. The Scrutiny Committee shall issue validity certificate to the petitioner within a period of four weeks of production of this order.

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

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)