

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

WRIT PETITION (WP) NO. 3503/2021

Swapnil S/o Mukesh Pinjarkar,
aged about 29 years, Occ. Service,
R/o Ravi Nagar, Nagpur.
C-40, RBI Staff Quarters
“Gulmohar” Ravi Nagar
Bharat Nagar Square Nagpur

..... PETITIONER

// VERSUS //

1. The Deputy Director / Member
Secretary, Scheduled Tribe Caste
Scrutiny Committee, Amravati.
2. The General Manager,
Reserve Bank of India,
Human Resources Management
Department, Dr. Raghavendra Rao
Road, Civil Lines, Nagpur.

.... RESPONDENT(S)

Mr. S.P. Palshikar, Advocate for the petitioner
Smt. Sangeeta Jachak, Assistant Public Prosecutor for respondent no. 1
Mr. R.M. Bhangde, Advocate for respondent no. 2

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

DATED : 19/10/2022

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

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The challenge raised in this writ petition is to the order passed by Scheduled Tribe Caste Scrutiny Committee, Amravati (for short, the “Scrutiny Committee”) on 11.08.2021 thereby

invalidating the tribe claim of the petitioner of belonging to “Raj Scheduled Tribe”.

3. The petitioner by referring to the family tree that was placed before the Vigilance Cell submits that various blood relatives of the petitioner have been issued validity certificates pursuant to the adjudication of Writ Petition No. 5384/2019 (*Ram s/o Balkrushna Pinjarkar and ors. Vs. The Scheduled Tribes Caste Certificate Scrutiny Committee and ors.*), Writ Petition No. 5385/2019 (*Shyam s/o Balkrushna Pinjarkar Vs. The Scheduled Tribes Caste Certificate Scrutiny Committee and ors.*), Writ Petition No. 1330/2022 (*Deepak S/o Ramkrishan Pinjarkar and ors. Vs. Scheduled Tribe Caste Scrutiny Committee and ors.*) and Writ Petition No. 3128/2022 (*Gauri d/o Deepak Pinjarkar Vs. Scheduled Tribe Caste Scrutiny Committee and ors.*). The aforesaid writ petitions were filed by the petitioner’s paternal cousin as well as his aunt. It is submitted that since the petitioner is relying upon the same documents that were considered by the Scrutiny Committee in the earlier writ petitions, by applying ratio of the decision in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & others [2010(6) Mh.L.J. 401]*, the petitioner is also entitled to be issued a validity certificate.

4. The learned Assistant Government Pleader for respondent no. 1 supported the order passed by the Scrutiny Committee. She

however has not disputed the earlier adjudication in the aforesaid writ petitions. It is submitted that the Scrutiny Committee intends to challenge the decision of this Court in Writ Petition No. 1330/2022.

5. We find from the Puris placed on record that pursuant to the adjudication of the aforesaid writ petitions, the Scrutiny Committee has issued validity certificates to those petitioners. The relationship of the petitioner with the parties to whom such validity certificates have been issued is not in dispute. They all belong to the same larger family and similar documents are sought to be relied upon. In the light of the decision in ***Apoorva d/o Vinay Nichale*** (*supra*), the petitioner is entitled for the benefit of adjudication of the claim of his blood relatives.

6. Hence for the reasons recorded in the judgments in Writ Petition Nos. 5384/2019, 5385/2019, 1330/2022 and 3128/2022 referred to hereinabove, the following order is passed:-

- (i) The writ petition is allowed.
- (ii) The order dated 11.08.2021 passed by the Scrutiny Committee is set aside.
- (iii) It is declared that the petitioner belongs to “Raj Scheduled Tribe” which is entry No. 18 in the Constitution (Scheduled Tribes) Order, 1950.

(iv) The Scrutiny Committee shall issue the validity certificate to the petitioner within a period of six weeks from today.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SANDIP
MAHADEV
GATE

Personal
Assistant to the
Hon'ble Judge
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by SANDIP
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