

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

WRIT PETITION NO. 3565 OF 2021

Digambar s/o Domaji Wagh,
aged about 59 years, Occupation : Retired,
R/o At Post Anji (NRU),
Taluka Ghatanji, District : Yavatmal.

PETITIONER

.....VERSUS.....

1. The Vice-Chairman/ Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati.
2. The Chairman & Managing Director,
Maharashtra State Electricity Transmission Company Ltd. (MSETCL),
Prakash Ganga Building, Bandra Kurla Complex,
Mumbai – 51.
3. The Chief Engineer,
Maharashtra State Electricity Transmission Company Ltd. (MSETCL),
Nagpur Road, Amravati.
4. The Superintending Engineer (Civil),
Maharashtra State Electricity Transmission Company Ltd. (MSETCL),
Nagpur Road, Amravati.

RESPONDENTS

WITH

WRIT PETITION NO. 3625 OF 2021

Apurva d/o Digambar Wagh,
aged about 26 years, Occupation : Student,
R/o At Post Anji (NRU),
Taluka Ghatanji, District : Yavatmal.

PETITIONER

.....VERSUS.....

The Vice-Chairman/ Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati.

RESPONDENT

WITH

WRIT PETITION NO. 3631 OF 2021

Pandurang s/o Domaji Wagh,
aged about 73 years, Occupation : Retired,
R/o At Post Anji (NRU),
Taluka Ghatanji, District : Yavatmal.

PETITIONER**....VERSUS....**

The Vice-Chairman/ Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati.

RESPONDENT

Ms. Preeti Rane, Advocate for the petitioners.
Shri D.P. Thakare, Additional Government Pleader for respondent No.1 in WP
3565/2021 and for the respondent in WP Nos. 3625/2021 and 3631/2021.
Shri Makrand Rajkondwar, Advocate for respondent Nos. 2 to 4 in WP
3565/2021.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI - PHALKE, JJ.**DATE : JULY 21, 2022****ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)**

Since the common order dated 29/7/2021 passed by the Scrutiny Committee invalidating the tribe claim of three applicants has been challenged in these Writ Petitions, they have been heard together and are being decided by this common judgment.

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

3. The petitioners claim to belong to 'Mana' Scheduled Tribe. They sought verification of their tribe claim by relying upon various

pre-constitutional documents. The Scrutiny Committee while verifying the tribe claim found that there were certain entries showing the tribe as 'Mani' and hence proceeded to disallow the claim of the petitioners.

Being aggrieved by that common order is the subject matter of challenge in these Writ Petitions.

4. The learned Counsel for the petitioners has referred to the family tree indicating the names of the family members of the petitioners and their forefathers. According to her, the son of the petitioner in Writ Petition No. 3631/2021 had challenged the order of invalidation passed in his case. *Writ Petition No. 3338/2018 (Pawankumar s/o Pandurang Wagh Vs. The Vice-Chairman/ Member-Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another)* was decided by this Court on 26/2/2020 wherein after considering the very same documents that are now relied by the petitioners, this Court had set aside the order passed by the Scrutiny Committee and had declared that the son of the said petitioner belonged to 'Mana' Scheduled Tribe. The Scrutiny Committee was directed to issue the validity certificate to the said petitioner. Based on this adjudication, it is submitted that since the son of the petitioner in Writ Petition No. 3631/2021 has been held to belong to 'Mana' Scheduled Tribe by this Court after considering the very

same documents on which the petitioners are relying, the petitioners are also entitled for similar relief. The petitioner in Writ Petition No. 3565/2021 is the uncle of the said Pawankumar who was the petitioner in Writ Petition No. 3338/2018 while the petitioner in Writ Petition No. 3625/2021 is the cousin sister of the said Pawankumar. It is therefore prayed that the order passed by the Scrutiny Committee be set aside and the declaration as prayed for be granted.

5. The learned Additional Government Pleader for the Scrutiny Committee sought to support the order passed by the Scrutiny Committee. He however did not deny the fact that this Court in Writ Petition No. 3338/2018 had in fact considered the very same documents and had upheld the tribe claim of the said petitioner.

The learned Counsel for respondent Nos. 2 to 4 in Writ Petition No. 3565/2021 submitted to the orders of the Court.

6. On hearing the learned Counsel for the parties and after perusing the documents on record, we find that the son of the petitioner in Writ Petition No. 3631/2021 had challenged the order of invalidation passed by the Scrutiny Committee by filing Writ Petition No. 3338/2018. After considering the very same documents that have been relied upon by

the present petitioners, his claim was upheld. The relationship between the petitioners herein and the said petitioner in Writ Petition No. 3338/2018 is not disputed.

7. In that view of the matter, the present petitioners would be entitled to seek benefit of the earlier adjudication in that Writ Petition. By applying the law as laid down in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others [2010(6) Mh.L.J. 401]*, it is found that the present petitioners are entitled for a similar declaration.

8. Hence for the reasons recorded in Writ Petition No. 3338/2018 decided on 26/2/2020, the following order is passed :

ORDER

i. The common order dated 29/7/2021 is set aside. It is declared that the petitioners belong to 'Mana' Scheduled Tribe. The Scrutiny Committee shall within a period of four weeks from receipt of copy of the judgment issue validity certificate to the petitioners.

ii. In Writ Petition No. 3565/2021, respondent Nos. 2 to 4 shall

release the retiral benefits of the petitioner within a period of four weeks from receipt of copy of the validity certificate.

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

(URMILA JOSHI – PHALKE, J.)

(A.S. CHANDURKAR, J.)

SUMIT