

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

WRIT PETITION NO.4361 OF 2022

Shilpak s/o Deepak Pinjarkar,
Aged 18 years,
Occupation – Student,
R/o. Mohite Plot, Lahan Umri,
Akola, Tah. & Distt. Akola

...PETITIONER

VERSUS

Scheduled Tribe Caste Scrutiny Committee,
Irwin Chowk,
Amravati, through its Research Officer
and Member Secretary

...RESPONDENT

Shri T.U. Tathod, Advocate for the petitioner.
Shri D.P. Thakare, Additional G.P. for the respondent/State.

**CORAM : A.S. CHANDURKAR AND
URMILA JOSHI-PHALKE, JJ.**

DATED : AUGUST 17, 2022.

JUDGMENT (Per Urmila Joshi-Phalke, J.)

Heard learned counsel for the parties.

2. **RULE.** Rule made returnable forthwith.

3. The petitioner claimed that he belongs to 'Raj' Tribe which is recognised as 'Scheduled Tribe' as per entry No.18 in the Constitution (Scheduled Tribes) Order, 1950. The petitioner is pursuing his further studies and had appeared for NEET (UG) - 2022 examination and is intending to take the admission in M.B.B.S. Course by securing seat belonging to 'Scheduled Tribe' category. This petition is filed by the petitioner for seeking directions to the respondent-Caste Scrutiny Committee, Amravati to decide his caste claim towards 'Raj' (Scheduled Tribe) within stipulated period.

4. The contention of the petitioner is that his caste claim was referred for validation. As he was studying in 12th standard at National Science Junior College, Akola vide letter dated 21/09/2021 the Sub-Divisional Officer, Achalpur had already granted him the Caste Certificate on 25/01/2019. He further contended that the caste claim of his father and sister was also invalidated by the Committee and being aggrieved with the same they had also filed Writ Petition No.1330/2022 and Writ Petition No.3128/2022. Though the proposal for verification of caste claim of the petitioner was submitted along with the relevant documents, the respondent-Caste Scrutiny Committee, Amravati did not verify the claim of the petitioner nor granted him validity certificate. Now, he had appeared for NEET (UG)-2022 examination and results of

the same are about to be declared in few days. He would require the Caste Validity Certificate. He also appeared before the Committee on 07/01/2022 and submitted all necessary documents and requested the Committee to decide his caste claim but the Committee had not decided his caste claim and still the proposal of the petitioner is at the stage of Vigilance Enquiry, therefore, directions be issued to the Committee.

5. In response to the notice, Shri D.P. Thakare, learned Additional Government Pleader submitted that the Committee can be directed to decide the claim in near future.

6. Heard both the sides.

7. Learned Counsel for the petitioner has filed on record the copy of the judgment passed in Writ Petition No.5384/2019 (*Ram s/o Balkrushna Pinjarkar & ors Vs. The S.T. Caste Certificate Scrutiny Committee, Amravati and ors.*) along with Writ Petition No. 5385/2019 (*Shyam s/o Balkrushna Pinjarkar Vs. The S.T. Caste Certificate Scrutiny Committee, Amravati and anr.*) decided on 26/07/2022 and Writ Petition No.1330/2022 (*Deepak s/o Ramkrishna Pinjarkar & ors. Vs. S.T. Caste Scrutiny Committee, Amravati and ors.*) along with Writ Petition No.3128/2022 (*Gauri d/o Deepak Pinjarkar Vs. S.T. Caste Scrutiny*

Committee, Amravati & ors.) decided on 10/08/2022. This Court in Writ Petition Nos.1330/2022 and 3128/2022 which are the petitions pertains to the father and real sister of the present petitioner. In the said petitions, this Court had observed that the petitioners are entitled for the Validity Certificate in the light of the order passed in Writ Petition No.1330/2022 by which the claim of the sister of Deepak s/o Ramkrishna Pinjarkar was decided. In the said petition, the order passed by the Scrutiny Committee was set aside and it was held that the sister of Deepak s/o Ramkrishna Pinjarkar namely Rekha Ramkrushna Pinjarkar belongs to 'Raj' (Scheduled Tribe). The present petitioner is the son of Deepak Ramkrishna Pinjarkar who had filed Writ Petition No.1330/2022 which was decided on 10/08/2022 by which the Committee was directed to issue the validity certificate to the father of the petitioner and sister of the petitioner. The order of the Committee invalidating their claim was set aside.

8. The other relatives of the present petitioner are also declared as belongs to 'Raj' (Scheduled Tribe). The judgment passed in Writ Petition Nos.5384/2019 along with 5385/2019 shows that the blood relatives of the present petitioner namely Ram s/o Balkrushna Pinjarkar, Manohar s/o Balkrushna Pinjarkar and Rekha Ramkrushna Pinjarkar had produced on record old documents which are of

pre-independence era. It is also observed that the school record and revenue record shows that the caste of the ancestor namely Laxman who is the great-grandfather of the petitioner was recorded as 'Raj'. The caste of Namdeo Ramuji, Kisan Laxmanrao, Ramkrushna Laxmanrao and Balkrushna Laxmanrao were also recorded as 'Raj'. Ramkrushna Laxmanrao is the grandfather of the present petitioner. It is further observed in the said judgment that the birth entries of great-grandfather and grandfather of the present petitioner are of pre-independence era. The information about the family and the documents clearly establishes that they belong to 'Raj' community. There are consistent entries in respect of the ancestors of the present petitioner.

9. In view of the fact that the father and sister of the present petitioner has been held to belong 'Raj' (Scheduled Tribe) and cousin uncles of the petitioner namely Ram s/o Balkrushna Pinjarkar, Manohar s/o Balkrushna Pinjarkar and cousin aunt Rekha Ramkrushna Pinjarkar has been held to belong 'Raj' (Scheduled Tribe) by the order of this Court in Writ Petition Nos.5384/2019 and 5385/2019. As the parties are relying on same documents, we find that the petitioner is also entitled to similar relief as has been granted in Writ Petition Nos.5384/2019 along with 5385/2019 and Writ Petition Nos.1330/2022 along with 3128/2022.

10. Accordingly for the reasons recorded in the aforesaid judgments dated 26/07/2022 and 10/08/2022 respectively, the following order is passed :

(a) The writ petition is allowed.

(b) It is declared that the petitioner belongs to 'Raj' (Scheduled Tribe) which is entry No.18 in the Constitution (Scheduled Tribes) Order, 1950.

(c) It is held that as the validity certificate has been directed to be issued to the petitioner's father in Writ Petition No.1330/2022 (*Deepak s/o Ramkrishna Pinjarkar and ors. Vs. Scheduled Tribe Caste Scrutiny Committee, Amravati and ors.*) as well as petitioner's sister in Writ Petition No.3128/2022 (*Gauri d/o Deepak Pinjarkar Vs. Scheduled Tribe Caste Scrutiny Committee, Amravati and ors.*) by judgment dated 10/08/2022, the petitioner shall be issued validity certificate of belonging to 'Raj' (Scheduled Tribe) by the Scrutiny Committee within a period of six weeks from receipt of copy of this judgment.

(d) Till the validity certificate is issued, the petitioner is free to rely upon certified copy of the present judgment to

indicate that his claim of belonging to 'Raj' (Scheduled Tribe) has been granted.

11. Rule is made absolute in the aforesaid terms. There will be no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

**Divya*