

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

WRIT PETITION NO.4630 OF 2022

Vaishnavi d/o Keshao Jambhule,
aged about 23 years, occupation :
student, r/o at Korambi, Post
Dongargaon, Taluq Nagbhir,
District Chandrapur-441205.

... Petitioner

- Versus -

1) State of Maharashtra, through
its Secretary, Tribal Development
Department, Mantralaya,
Mumbai – 32.

2) Scheduled Tribe Certificate
Scrutiny Committee, Gadchiroli,
through its Member-Secretary,
Complex Area, District Gadchiroli.

... Respondents

Shri S.D. Borkute, Advocate for petitioner.

Shri N.S. Rao, Assistant Government Pleader for respondents.

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

DATED : SEPTEMBER 20, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. Rule is made returnable forthwith. Heard finally
by consent of Shri Borkute, learned Counsel for the petitioner and
Shri Rao, learned Assistant Government Pleader for the respondents.

2) We find substance in the submissions of Shri Borkute, learned Counsel for the petitioner, that in spite of the fact that there were two validity certificates, which existed in the family – one in favour of Keshao Lahanu Jambhule, father of the petitioner and other in favour of Sharad Rushi Jambhule, cousin of the petitioner – the Scrutiny Committee did not consider these documents, which provided reasonable proof of social status claimed by the petitioner. The social status claimed by the petitioner is of “Mana” (Scheduled Tribe). The validity certificates have been granted to Keshao Lahanu Jambhule and Sharad Rushi Jambhule certifying them to be belonging to “Mana” (Scheduled Tribe). There is also no dispute in their relationship with the petitioner, which is clear from the impugned order itself. In such a case, it was required of the Scrutiny Committee to consider these documents appropriately, but it has not been done by the Scrutiny Committee and, therefore, we allow the petition and quash and set aside the impugned order dated 16/1/2018 passed by the Scrutiny Committee and remand the matter back to the Scrutiny Committee for a decision afresh in accordance with law. We direct that the Scrutiny Committee shall decide the tribe claim of the petitioner on the basis of the existing

evidence and material before it, in accordance with law and it shall also take into consideration the validity certificates granted to Keshao Lahanu Jambhule and Sharad Rushi Jambhule on the directions of the Supreme Court of India. The decision shall be rendered by the Scrutiny Committee within two weeks from the date of receipt of this judgment.

3) Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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