

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

WRIT PETITION NO.4342 OF 2021

Sadhana Motiram Gaikwad
Aged about 28 years,
alias Sadhana Avachit Khate (Chimur),
D.T. Ed., ITI (Electrician) (private) B.A.,
Occupation Slected candidate for a Job of
“Vidyut Sahayat-Kantrati” with MSEDCL,
Near BSNL office, At and Post Sindewahi,
Tah. Sindewahi, Dist. Chandrapur 441222

... Petitioner

-vs-

1. Scheduled Tribe Certificate Scrutiny Committee,
Gadchiroli, Thr. Its Member Secretary,
Complex Area, Near Z.P. Office,
Gadchiroli, 442605
2. Maharashtra State Electricity Distribution Co. Ltd.
Through its Chief Engineer,
Vidyut Bhavan, 2nd Floor,
Babupeth Road, Chandrapur 442403
e-Mail: cechandrapur@mahadiscom.in

... Respondents.

Shri S. P. Khare, Advocate for petitioner.
Smt N. P. Mehta, Assistant Government Pleader for respondent No.1.
Shri A. K. Bangadkar, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATE : January 04, 2022

Oral Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned
counsel for the parties.

An order passed by the Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli invalidating the claim of the petitioner of belonging

to 'Mana' Scheduled Tribe is under challenge. It is the case of the petitioner that she and her family members belong to 'Mana' (Scheduled Tribe) and various documents pertaining to her family members indicate the entry 'Mana'. Her cousin sister Kum. Rajni and uncle Shri Moreshwar have been issued validity certificate on the basis of an old document of the year 1920-23 which indicates the entry as 'Mana'. The petitioner had thus made her tribe claim seeking issuance of validity certificate. The Scrutiny Committee by the impugned order dated 04/06/2014 invalidated the tribe claim merely on the ground that though the entry 'Mana' was found against the name of the family members, it was not stated therein that they belonged to Scheduled Tribe.

2. Shri S. P. Khare, learned counsel for the petitioner submits that considering the oldest document of the year 1920-23 indicating the Tribe as 'Mana' coupled with validity certificates issued to the close relatives, there was no reason to the Scrutiny Committee to invalidate the petitioner's tribe claim. Inviting attention to the report of the Vigilance Cell it was submitted that the genuineness of the said old document had not been disputed. Similarly the relationship with the relatives who were granted validity certificates was also not disputed. Merely because the words "Scheduled Tribe" were not mentioned against the old entry, the same could not be a reason to disregard the petitioner's tribe claim. The learned counsel also

invited attention to the averments in paragraph 1 of the writ petition to indicate the reason for the time taken in challenging the impugned order. The petitioner is stated to be placed in the select list for the post of 'Vidyut Sahayak' that has been published by the respondent No.2 and therefore adjudication of her tribe claim on merits is warranted.

Corrected as
per Court's
order dated
04/02/2022

Sd/-

3. Ms N. P. Mehta, learned Assistant Government Pleader for the respondents supported the impugned order. She submitted that the validity certificates issued to the close relatives were without obtaining any report of the Vigilance Cell. Moreover in absence of words "Scheduled Tribe" in the records pertaining to the old documents, the Scrutiny Committee was justified in disregarding the claim of the petitioner. It was therefore submitted that the impugned order did not call for any interference.

4. We have heard the learned counsel and we have perused the documents on record. Undisputedly the oldest document pertains to the year 1920-23 which indicates the entry 'Mana'. This document was verified by the Vigilance Cell and found to be existing. Perusal of the report of Vigilance Cell further indicates that in the service records of the petitioner's father the entry is shown as 'Mana'. The relationship with Kum. Rajni and Shri Moreshwar who were close relatives has also not been disputed. The only reason assigned by the Scrutiny Committee is absence of the words

“Scheduled Tribe” along with entry ‘Mana’ in the old documents. We find that this reason assigned by the Scrutiny Committee is insufficient for refusing to grant validity certificate to the petitioner. The oldest document pertaining to the year 1920-23 with the entry ‘Mana’ being undisputed coupled with the validity certificates issued to the close relatives, we find that the petitioner has made out a case for issuance of appropriate validity certificate of belonging to ‘Mana’ Scheduled Tribe. The probative value of the said document pertaining to the pre-independence period cannot be ignored. The Scrutiny Committee erred in disregarding the old documents and refusing to issue validity certificate for no justifiable reason.

5. In view of aforesaid, the order dated 04/06/2014 passed by the Scrutiny Committee is set aside. It is declared that the petitioner belongs to ‘Mana’ Scheduled Tribe. The Scrutiny Committee shall issue validity certificate to the petitioner within a period of four weeks from the production of this order.

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

(P. V.Ganediwala, J.)

(A. S. Chandurkar, J.)