

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO.5822 OF 2022**

Ku. Tannu Surdas Jambhule,
Aged 18 years,
Occupation: Student,
(Candidate- aspirant for admission to
Medical Science Courses),
C/o Smt. Tai Surdas Jambhule,
At Kumbhari, Post- Godhani,
Tah. Umred, Distt. Nagpur,
Kumbhari-441203.

... Petitioner

Versus

The Scheduled Tribe Certificate Scrutiny Committee,
Nagpur,
through its Member Secretary,
Giripeth, Nagpur-440010
Email: tcscnagpur@gmail.com

... Respondent

Shri S.P. Khare, Advocate for Petitioner.
Shri K.L. Dharmadhikari, Assistant Government Pleader for
Respondent.

**CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.
DATE : 3rd OCTOBER, 2022**

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

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The caste validity certificate of Ms Shewta Ramesh Jambhule, cousin sister of the petitioner, was already available for consideration by the respondent- Scrutiny Committee, as it was duly verified by the Scrutiny Committee. Unfortunately, that validity certificate was not considered by the respondent- Scrutiny Committee. The respondent-

Scrutiny Committee considered the validity certificate existing in favour of Ms Kiran Rameshrao Jambhule, another cousin sister of the petitioner, which validity certificate was granted to her on the basis of the validity certificate granted to Ms Shewta Ramesh Jambhule. But the respondent- Scrutiny Committee ignored this validity certificate on the ground that Ms Kiran Rameshrao Jambhule had not submitted her affidavit of being related to the petitioner. The reason given by the respondent- Scrutiny Committee is too technical. Besides, the respondent- Scrutiny Committee has not exercised due diligence and care in scrutinizing the tribe claim of the petitioner or otherwise it could have certainly gone into the validity certificate issued in favour of Ms Shewta Ramesh Jambhule, which validity certificate was duly verified for its existence as well as for establishing her relationship with the petitioner. Thus, the respondent- Committee has committed a serious error in law and fact in rejecting the tribe claim of the petitioner.

3. Considering the fact that already two validity certificates exist in the family and these validity certificates have been granted to the cousin sisters of the petitioners from the paternal side, we see no reason to once again remand the matter to the respondent- Scrutiny Committee for fresh consideration, except for causing of delay. We, therefore, find that the petitioner has reasonably established her

claim, on the basis of the validity certificates granted to her cousin sisters, that she belongs to 'Mana', Scheduled Tribe.

4. For the reasons stated above, the impugned order dated 2-9-2022 is declared to be illegal and is accordingly quashed and set aside. We direct the respondent- Scrutiny Committee to issue a caste validity certificate to the petitioner as belonging to 'Mana', Scheduled Tribe, within two weeks from the date of receipt of the order.

5. Rule accordingly. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar