

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

WRIT PETITION NO.6267/2022

Chinmay Rajendra Kadam,
aged 19 years, Occ. Student,
r/o Lahariya Nagar, Kaulkhed,
Dist. Akola.

.....PETITIONER

...V E R S U S...

The Scheduled Tribes Caste Certificate
Scrutiny Committee, through its
Member Secretary, Chaprasipura,
Amravati

...RESPONDENT

Mr. R. S. Parsodkar, Advocate for petitioner.
Mrs. K. S. Joshi, Addl.G.P. for respondent.

CORAM:- SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATED :- 16.11.2022

ORAL JUDGMENT (Per: Sunil B. Shukre, J.)

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

2. We find that the Scrutiny Committee has, without
issuing any show cause notice and without examining the relevant
jurisdictional facts, passed the sweeping remarks that Mr. Shrikant
Kadam, paternal cousin of the petitioner, obtained tribe validity
certificate from Pune Scrutiny Committee, by deception and fraud

and, thereafter, it went on to discard the validity granted to Mr. Shrikant Kadam.

3. In our considered view, it is not open to the Scrutiny Committee to ignore or reject the good evidence in the nature of validity certificate issued to a paternal relative of the claimant, only on the ground that the validity was issued to him by another Scrutiny Committee, unless an effort is made for examining all the relevant facts, including the jurisdictional facts and proper conclusion is made regarding the validity certificate being a nullity or is the result of fraud played upon the Scrutiny Committee, issuing the validity certificate. No such findings have been record by the Scrutiny Committee. Therefore, we find that the rejection of the validity granted to Mr. Shrikant Kadam by the Scrutiny Committee, is contrary to the well settled principles of law. Useful reference in this regard, may be made to the view taken by this Court in several cases such as, Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Others.¹, Aryan Sanjay Kakade Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati & Others.² and Ku.Shravani d/o Ganesh Wankhede Vs. State of Maharashtra thr. its Secretary & Others.³

1 2010 (6) Mh.L.J.401.

2 W.P.No. 5279/2021, Decided On 15.12.2021.

3 W.P.No.2685/2021, Decided On 16.09.2022.

4. We are of the view that as the validity granted to Mr. Shrikant Kadam is still operative, it would constitute a reasonable evidence of the social status claimed by the petitioner and therefore, merely on the basis of this validity certificate the tribe claim of the petitioner should have been validated by the Scrutiny Committee. Of course, there is also an invalidation of the same social status as claimed by the petitioner, in the family of the petitioner. Ms Hemlata, paternal aunt of the petitioner, claimed herself to be belonging to Thakur-Scheduled Tribe. But, her such claim was rejected by the same Committee at Amravati. When the matter came up before this Court, the view expressed by the Scrutiny Committee, Amravati was confirmed by this Court and thus, invalidation of the caste claim of Ms Hemlata got confirmation at the hands of the High Court. The matter, however, did not stop there. Now, this very case is before the Supreme Court of India, which is, Petition for Special Leave to Appeal (C) No.26231/2018, in which, by order passed on 08.10.2018, there is a stay to the invalidation of the tribe certificate of Ms Hemlata. That means, it has remained undetermined as yet as to what exactly is the tribe status of Ms Hemlata. It would also mean that for the present, we have to go by what is at operation, which is the validity granted to Mr. Shrikant Kadam.

5. In this view of the matter, we are inclined to allow this petition, subject to some conditions.

The writ petition is allowed. The impugned order dated 02.09.2022 passed by the respondent no.1 is hereby quashed and set aside. The respondent no.1-Committee is directed to issue validity certificate to the petitioner as he belonging to Thakur-Scheduled Tribe, subject to the final decision of the Petition for Special Leave to Appeal (C) No.26231/2018, pending before the Supreme Court, within a period of one week from the date of receipt of this order.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)

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