

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

WRIT PETITION NO. 5215 OF 2021

Vedant Sunil Newale,
 Aged 19 years,
 Occ : Admitted in first year
 VNIT Civil Engineering student
 R/o. Paratwada, Tq. Achalpur,
 District-Amravati.

.. Petitioner

.. Versus ..

1. The Scheduled Tribe Caste
 Certificate Scrutiny Committee,
 through its Member Secretary,
 Chaprasipura, Amravati.
2. Visveswarayya National Institute
 of Technology, through its Director,
 South Ambazari, Nagpur.

.. Respondents

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Shri R.S. Parsodkar, Advocate for the petitioner,
 Shri Neeraj Patil, Assistant Government Pleader for respondent
 no.1/State,
 None for respondent no.2 though served.

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CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 14.03.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned
 counsel for the parties.

2. The petitioner has challenged the order dated 7.12.2021 passed by the Scrutiny Committee invalidating the claim of the petitioner belonging to “Halbi - Scheduled Tribe”.

3. It is not in dispute that the petitioner’s father Sunil Chandrabhan Newale had filed Writ Petition No.7075/2016 challenging the order of invalidation passed in his case. On 28.11.2018, this Court, by its common judgment, allowed that writ petition and declared that the petitioner’s father had established his claim of belonging to “Halbi Scheduled Tribe”. A validity certificate was accordingly directed to be issued. During the course of verification, the petitioner’s father’s validity certificate and the judgment in Writ Petition No.7075/2016 were placed before the Scrutiny Committee. Two members of the Scrutiny Committee accepted the claim of the petitioner for grant of validity certificate. However, the other three members of the Scrutiny Committee by majority proceeded to invalidate the claim of the petitioner.

4. Perusal of the impugned order passed by the Scrutiny Committee indicates that it has merely brushed aside the judgment of this Court in Writ Petition No.7075/2016 for no justifiable reason. The petitioner being son of Sunil Newale has relied upon the same documents on which his father had relied. Thus, in the light of adjudication by this

Court in Writ Petition No.7075/2016 and for reasons contained therein, the impugned order is unsustainable. The ratio of the decision in **Apoorva d/o Vinay Nichale .vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010 (6) Mh.L.J. 401** is clearly attracted.

5. For aforesaid reasons, the order dated 7.12.2021 passed by the Scrutiny Committee is quashed and set aside. It is declared that the petitioner belongs to “Halbi - Scheduled Tribe” being entry No.19 in The Constitution (Scheduled Tribes) Order, 1950. The Scrutiny Committee shall issue validity certificate to the petitioner within a period of four weeks from the production of this order before it.

6. Rule is made absolute in aforesaid terms with costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

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