

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

WRIT PETITION NO.6359 OF 2019

Vishnu S/o Ganpatrao Narnaware,
Panharkawada, Tq. Kelapur,
Dist. Yavatmal

... Petitioner

-vs-

Joint Commissioner and Vice Chairman,
Schedule Tribe Caste Certificate Scrutiny Committee,
Irvin Chowk, Amravati and ors.

... Respondents

Ms Preeti D. Rane, Advocate for petitioner.
Ms T. Udeshi, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE : July 12, 2022

P.C.

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

The petitioner claims to belong to 'Mana' Scheduled Tribe. He was employed with respondent Nos.2 and 3 and after filing of the writ petition, he has attained the age of superannuation. The petitioner seeks a direction for expeditious consideration of his tribe-claim.

2. The learned counsel for the petitioner has placed on record a pursis in which the judgment of this Court in Writ Petition No.5919/2018 (*Madhavi d/o Vishnupant Narnaware vs. The Vice*

Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and ors. with connected writ petitions) has been referred. The petitioners in those writ petitions are blood relatives of the present petitioner including his daughter and real brother. Pursuant to this judgment dated 04/10/2019 validity certificate has been issued to those petitioners.

3. The learned Assistant Government Pleader for the respondents submits that the report of the vigilance cell in the matter of the petitioner is still awaited.

4. We find that when the daughter and real brother of the petitioner have been issued validity certificate pursuant to the judgment of this Court dated 04/10/2019, it would be necessary for the Scrutiny Committee to follow the law laid down in *Apoorva V. Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors. 2010 (6) Mh.L.J. 401*. In these facts when the petitioner's daughter and brother have been issued validity certificates calling of the report of the vigilance cell would also not be warranted.

Accordingly the writ petition is allowed by directing the Scrutiny Committee to issue validity certificate to the petitioner within a period of four weeks from receipt of copy of this judgment. Consequent

upon issuance of such validity certificate, the respondent Nos.2 and 3 shall release the retiral benefits of the petitioner.

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

Pending Civil Application also stands disposed of in these facts.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita