

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

WRIT PETITION NO.6620 OF 2019

Ku. Kiran D/o Ramesh Jambhule
Aged about 26 yrs,
Occ. Student, R/o At – Makardhokda,
Tah. Umrer, Dist. Nagpur. **PETITIONER**

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

Joint Commissioner & Vice-Chairman,
Scheduled Tribe Caste Certificate
Scrutiny Committee, Adiwasi Vikas Bhavan,
Giripeth, Nagpur. **RESPONDENT**

Mr. S. P. Khare, Advocate for Petitioner.
Mr. D. P. Thakare, Additional Government Pleader for
Respondent/State.

CORAM: **A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.**
DATE: **30th JUNE, 2022.**

ORAL JUDGMENT: (PER. A.S. CHANDURKAR, J.)

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

2. The petitioner is aggrieved by the order dated
23.08.2013 passed by the Scrutiny Committee invalidating the
petitioner's tribe claim of belonging to 'Mana' Scheduled Tribe.

3. The learned counsel for the petitioner submits that during the pendency of the writ petition, the Scrutiny Committee examined the claim of her real sister Shewta. After holding the vigilance enquiry, the Scrutiny Committee on 25.06.2021 passed an order holding that said Shewta belongs to 'Mana' Scheduled Tribe. On that basis the Scrutiny Committee on 07.07.2021 has issued a validity certificate to the petitioner's sister. It is thus submitted that in the light of the aforesaid adjudication by the Scrutiny Committee itself the petitioner is entitled for a similar declaration by following the judgment of the Division Bench in *Apporva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and others 2010(6) Mh.L.J. 401*.

4. Mr. D. P. Thakare, the learned Additional Government Pleader produced the record of the Scrutiny Committee for perusal. He did not dispute that the petitioner's sister has been issued a validity certificate.

5. We find that the Scrutiny Committee after obtaining the report of the Vigilance Cell and examining the very same documents relied upon by the petitioner held that the petitioner's real sister belongs to 'Mana' Scheduled Tribe. Considering this

adjudication by the Scrutiny Committee we find no reason to deny similar benefit to the petitioner. It may be noted that the validity has been granted by the very same Scrutiny Committee which had passed the impugned order.

6. Hence, for the aforesaid reasons the order dated 23.08.2013 passed by the Scrutiny Committee is set aside. It is declared that the petitioner belongs to 'Mana' Scheduled Tribe. The Scrutiny Committee is directed to issue a validity certificate accordingly to the petitioner within a period of four weeks from the receipt of copy of this judgment.

7. Rule is made absolute in the aforesaid terms. No costs.

JUDGE

JUDGE

NSN