

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

WRIT PETITION NO.7424 OF 2022

Arundhati Ravindra Kalmegh,
age about 18 years, Occupation Student
(candidate-aspirant for admission to
Medical Science Courses)
At Plot No.144, Sant Tajeshwar Nagar,
Hudkeshwar, Nagpur
Dist. Nagpur 440034

... Petitioner

-vs-

The Joint Commissioner cum Vice Chairman,
The Scheduled Tribe Certificate Scrutiny Committee,
Giri Peth, Nagpur 440010
tcsnagpur@gmail.com

... Respondent

Shri Narayan D. Jambule, Advocate for petitioner.
Smt S. S. Jachak, Assistant Government Pleader for respondent.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : December 23, 2022

Oral Judgment : (Per : A. S. Chandurkar, J.)

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

The petitioner claims to belong to 'Mana' Scheduled Tribe. She is aggrieved by the order passed by the Scrutiny Committee on 28/10/2022 invalidating her tribe-claim.

Inter alia, it is submitted by the learned counsel for the petitioner that two validities have been granted in the family. While validity certificate granted to the petitioner's uncle Lalit Wasudeorao Kalmegh is dated 28/06/2007 the other validity certificate granted to her cousin Suyog

Rajiv Kalmegh is dated 17/04/2020. On the strength of these validities as well as the document dated 01/07/1934, it is submitted that the claim of the petitioner ought to have been accepted.

In the light of aforesaid we have perused the records maintained by the Scrutiny Committee.

2. Insofar as validity certificate issued to the petitioner's uncle Lalit is concerned, the learned Assistant Government Pleader has referred to the statement of said Lalit dated 27/10/2022 in which it is stated that the document of 1934 pertaining to Laxman Ragho Kalmegh is of a person not from the family. The Scrutiny Committee has observed that since the validity certificate was issued to Lalit on the basis of judgment of the Honourable Supreme Court in Civil Appeal No.5270/2004, due weightage cannot be given to it.

Insofar as validity certificate granted to Suyog Rajiv Kalmegh is concerned, it is seen that though this validity certificate was issued on 17/04/2020, it was not placed before the Scrutiny Committee by the petitioner. While furnishing information to the Vigilance Cell a reference was made to this validity certificate.

3. We find that it would be necessary for the Scrutiny Committee to consider the effect of issuance of validity certificate to cousin brother of the petitioner. If the same would have been filed before the Scrutiny Committee, its effect coupled with the relationship with the validity

certificate holder could have been examined. Though the said certificate is dated 17/04/2020, the petitioner failed to file the same alongwith other relevant documents before the Committee. We therefore find that an opportunity to the Scrutiny Committee to examine the petitioner's claim in the light of these validity certificates would be necessary. Other reasons assigned in the impugned order can be considered along with the effect of issuance of such validity certificate.

For aforesaid reasons as it is found that re-consideration of the petitioner's claim is necessary, the order passed by the Scrutiny Committee on 28/10/2022 is set aside.

The Committee is directed to re-consider the petitioner's claim of belonging to 'Mana' Scheduled Tribe in the light of validity certificates now produced. To enable such re-consideration the petitioner shall appear before the Scrutiny Committee on 04/01/2023. Since the petitioner is a student, necessary exercise be completed within a period of four months from that date.

Keeping all points on merit as raised open, the writ petition is allowed in aforesaid terms with no order as to costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)