



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

WRIT PETITION NO.4262 OF 2022

1. Ku. Shweta Raju Amnerkar,
Age – 20 years, Occupation – Student,
R/o. 45, Chintamani Nagari No.3,
Omkar Nagar Road,
Besa, Nagpur – 440 027
2. Yog Raju Amnerkar,
Age – 15 years, Occupation – Student,
(Minor through his natural guardian
petitioner No.4 Raju Punaji Amnerkar)
R/o. 45, Chintamani Nagari No.3,
Omkar Nagar Road,
Besa, Nagpur – 440 027
3. Ramesh Sadashiv Amnerkar,
Age – 30 years,
Occupation-e-Riksha-Puller-Self-Employed
R/o. Old Mangalwari,
Kolba Swami Chowk, Chandekar Mohalla,
Nagpur – 400 008
4. Raju Punaji Amnerkar,
Age – 48 years, Occupation – Service,
R/o. 45, Chintamani Nagari No.3,
Omkar Nagar Road,
Besa, Nagpur – 440 027

...PETITIONERS

VERSUS

1. Schedule Tribe Certificate
Scrutiny Committee, Nagpur
through its Dy. Director & Member
Secretary,
Adiwasi Vikas Bhawan,
Giripeth, Nagpur – 440010

2. Sub Divisional Officer,
Nagpur (Urban), Tahsil Office,
Room No.1, Civil Lines,
Nagpur – 440001
3. The State of Maharashtra,
through its Sub-Divisional Officer,
Nagpur (Urban),
Tahsil Office, Room No.1,
Civil Lines, Nagpur - 440001

...RESPONDENTS

Shri A.A. Dhawas, Advocate for the petitioners.
Shri M.K. Pathan, Assistant Government Pleader for the
respondents/State.

**CORAM : AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ.**

DATED : SEPTEMBER 04, 2023

ORAL JUDGMENT (Per Avinash G. Gharote, J.)

RULE. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for the parties.

2. Petitioner Nos.1 to 3, claiming to be belonging to the “Halba” Scheduled Tribe had made an application to respondent No.2 for issuance of Tribe Certificate. The application filed by petitioner No.2 was rejected on 31/12/2020 (page 69). The application filed by petitioner No.1 was also rejected on 31/12/2020 (page 70) and the application

filed by petitioner No.3 was rejected on 15/01/2021 (page 84). When the petitioner Nos.1 to 3 by an application asked for copies of the orders, they were not supplied to them, and after much persuasion, was belatedly supplied. The rejection of these applications for grant of Tribe Certificate were challenged by the petitioners before the Scrutiny Committee which by the order dated 11/08/2021 (page 142) has dismissed the appeal which is now the subject matter of this petition.

3. The order in respect of petitioner No.1 - Shweta (page 72) is dated 12/02/2021. The order in respect of petitioner No.3 - Ramesh is at page 87 dated 23/02/2021 and the order in respect of petitioner No.2 - Yog is dated 12/02/2021 filed along with the Pursis (Stamp) No.03/2023 dated 02/08/2023. The date of all these orders, is subsequent to the dates on which the portal shows that the applications have been rejected. This clearly is an action, which is impermissible in law, as once the portal shows that the applications have been rejected, the detailed orders of the same date has also to be made available. The rejection of the applications for issuing Tribe Certificates by the orders dated 12/02/2021 (page 72), 23/02/2021 (page 87) and 12/02/2021 (page 3 of the Pursis) therefore, cannot be sustained and is hereby quashed and set aside. The learned Scrutiny Committee also without considering this fact could not have decided the appeals by the decision

dated 11/08/2021 as a result of which the same also would not be sustainable in law.

4. In the result, the petition is allowed. All the orders are hereby quashed and set aside and the matter is remitted back to respondent No.2 for deciding the applications for issuance of Tribe Certificate to the applicants afresh, on its own merits.

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

(URMILA JOSHI-PHALKE, J.)

(AVINASH G. GHAROTE, J.)

**Divya*