

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

WRIT PETITION NO.3038 OF 2022

Petitioner : Ritesh Rajesh Kale
 Aged about 19 years, Student,
 R/o Krushna Niwas, Cinema Road, Ward No.1,
 Buldhana, Tq. & Dist. Buldhana.

– Versus –

Respondents : 1. The State of Maharashtra,
 Through its Principal Secretary,
 Tribal Development Department,
 Mantralaya, Mumbai : 32.

2. The Scheduled Tribe Certificate Scrutiny
 Committee, Amravati Division, Amravati,
 Through its Deputy Director & Member Secretary,
 having Office at Ervine Chowk, Amravati.

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Mr. A.I. Shiekh, Advocate for the Petitioner.
 Mrs. Kalyani Deshpande, A.G.P. for the Respondents.

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CORAM : **ROHIT B. DEO AND Y.G. KHOBRADE, JJ.**
DATE : **18th JANUARY, 2023.**

J U D G M E N T : *(Per Y.G. Khobragade, J.)*

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

02] The challenge raised in this writ petition is to the order passed by the respondent No.2-Scrutiny Committee dated 16/12/2021, thereby invalidating the tribe claim of the petitioner of belonging to 'Mannewar' Scheduled Tribe.

03] It is the case of the petitioner that he and his forefathers belong to 'Mannewar' community, which is recognized as Scheduled Tribe vide entry No.18 of the Constitution (Scheduled Tribes) Order, 1950. In support of such claim, the petitioner sought to rely upon the per-constitutional documents, which consistently show that his parental relatives belonged to "Mannewar" Schedule Tribe.

04] Having heard both the sides and having considered the documents placed before us, we find that while invalidating the caste claim of the petitioner, respondent No.2-Scrutiny Committee has ignored the per-constitutional documents of the paternal relatives of the petitioner as belonging to "Mannewar" Scheduled Tribe.

05] It is pertinent to note that the coordinate bench of this Court in the case of Shri Amit Premraj Kale vs. State of Maharashtra and others in Writ

Petition No.2221 of 2022 has rendered a judgment dated 15/09/2022, thereby allowing the caste claim of the cousin uncle of the present petitioner as belonging to “Mannewar” Scheduled Caste. It is also pertinent to note that the per-constitutional documents submitted by the petitioner before the Scrutiny Committee in respect of his grandfather and great grandfather dated 13/04/1940, 18/07/1916 and 19/06/1916 show the caste as “Mannewar”.

06] Since the judgment in the case of Amit Kale, cited *supra*, is squarely applicable to the case in hand and as such the petitioner therein, whose caste claim is sustained by this Court, is the cousin uncle of the present petitioner, we do not find any reason to take a different view. Hence, we hold that the Scrutiny Committee has fallen in a serious error in refusing to issue validity certificate in favour of the petitioner. In the result, the following order is passed:

ORDER

- I. The writ petition is allowed.
- II. The impugned order dated 16/12/2021 is hereby quashed and set aside.
- III. We direct the Respondent No.2-Scrutiny Committee to issue caste

validity certificate in favour of the petitioner as he belonging to 'Mannewar' Scheduled Tribe within a period of four weeks from the date of receipt of copy of this order. It is declared that the petitioner belongs to 'Mannewar' Scheduled Tribe.

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

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

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