

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

WRIT PETITION NO. 1194 OF 2023

1. Anup s/o Pradip Wankhade,
aged about 32 years, Occ. Service.
2. Vishal s/o Pradip Wankhade,
aged about 35 years, Occ. Student.

Both are R/o Near Guru Mandir, Karanja,
District – Washim.

PETITIONERS

.....VERSUS.....

The Vice – Chairman/ Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati/ Yavatmal.

RESPONDENT

Ms. Preeti Rane, Advocate for the petitioners.
Ms. N.P. Mehta, Assistant Government Pleader for the respondent/ State.

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 16, 2023

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

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

2. The petitioners are aggrieved by the order dated 7/9/2021 passed by the Scheduled Tribe Caste Certificate Scrutiny Committee by which the proceedings for verification of their tribe certificates of belonging to ‘Thakur’ Scheduled Tribe has been dismissed on account of the petitioners’ absence before the Scrutiny Committee on 25/6/2021.

3. Briefly stated, the petitioners' father had been issued tribe certificate of belonging to 'Thakur' Scheduled Tribe. His tribe certificate came to be invalidated by the Scrutiny Committee on 6/6/2005. The petitioners' father had filed Writ Petition No. 3841/2005 in this Court and on 24/2/2022, the said Writ Petition was allowed and the order passed by the Scrutiny Committee was set aside. It was declared that the petitioners' father had proved that he and his forefathers belonged to 'Thakur' Scheduled Tribe. The claim of the petitioners was pending with the Scrutiny Committee since the year 2007. The report of the Vigilance Cell was obtained and that report was served on the petitioners. Thereafter, the petitioners had issued various communications requesting the Scrutiny Committee to conclude the proceedings. It appears that the proceedings were fixed before the Scrutiny Committee on 17/2/2021 and 25/6/2021. However, the petitioners could not remain present before the Scrutiny Committee. After noting the petitioners' absence, the proceedings came to be dismissed.

4. It is the specific case of the petitioners that the proceedings were fixed when the pandemic situation was prevailing and the members of the family of the petitioners were undergoing treatment for COVID and hence despite receiving notice from the Scrutiny Committee, the petitioners could not attend the said proceedings on 25/6/2021. The

petitioners therefore seek re-consideration of the matter especially in the light of the fact that their father has now been issued a validity certificate.

5. On hearing the learned Counsel for the petitioners as well as the learned Assistant Government Pleader, we find that the petitioners' father having been issued a validity certificate an opportunity needs to be granted to the petitioners to have their tribe certificates verified by the Scrutiny Committee. Their absence before the Scrutiny Committee does not appear to be deliberate. Also, they have stated on oath that on account of prevailing pandemic situation, they were unable to attend the proceedings on 25/6/2021. In these facts, we are inclined to grant an opportunity to the petitioners to have their tribe certificates verified.

6. Hence for the aforesaid reasons, the order dated 7/9/2021 passed by the Scrutiny Committee rejecting the proceedings seeking grant of validity certificates is set aside. The proceedings are restored before the Scrutiny Committee for fresh consideration in the light of the fact that the petitioners' father has been issued a validity certificate pursuant to the judgment in *Pradeep s/o Himmatrao Wankhade Vs. State of Maharashtra & Ors.* [Writ Petition No. 3841/2005] decided on 24/2/2022. The petitioners shall appear before the Scrutiny Committee on 1/4/2023. The Committee shall consider their claim on merits and decide the same in

accordance with law. Since the Vigilance Cell has submitted its report and the petitioners' father has been issued a validity certificate, necessary decision be taken by the end of June – 2023.

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

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

SUMIT