

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

Writ Petition No.1206 of 2023

Ku. Srujani D/o Moreshwar Gharat

Versus

Deputy Director & Member Secretary,

The Scheduled Tribe Certificate Scrutiny Committee, Nagpur

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.

Court's or Judge's order

Shri S.D. Chande, Counsel for Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for Respondent.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 26th JUNE, 2023.

1. Rule. Shri A.A. Madiwale, learned Assistant Government Pleader, waives notice of hearing for the respondent. Rule made returnable forthwith.
2. The challenge raised in the present writ petition is to the order dated 2-11-2022 issued by the respondent-Scrutiny Committee confiscating the petitioner's tribe certificate dated 21-12-2020 in which it was stated that the petitioner belongs to 'Mana' Scheduled Tribe and issuing a further direction that the petitioner is free to seek issuance of tribe certificate from the area where her family was originally residing.
3. On hearing the learned counsel for the parties, we find from the record that the Scheduled Tribe Certificate Scrutiny Committee, Nagpur Division has issued a validity certificate to the petitioner's father Moreshwar on 30-11-2006. Similarly, the validity certificates have also been issued to the other relatives of the petitioner. In the impugned order, the Scrutiny Committee has observed that the documents on which the petitioner seeks to rely pertain to Chimur Tahsil, District Chandrapur and therefore it would be necessary for the petitioner to approach that Scrutiny Committee for having her claim verified. At the same time, it has been observed that the Scrutiny Committee does not agree with the decision of issuing validity certificate to the petitioner's cousin, Vaishnavi.

In the light of the fact that the validity certificate issued to the petitioner's father Moreshwar continues to operate, we do not find any justification on the

part of the Scrutiny Committee in seeking to confiscate the petitioner's tribe certificate dated 21-12-2020 and thereafter cancel the same. On the contrary, the Scrutiny Committee ought to have considered the fact that the petitioner's father holds the validity certificate and in the light of the law laid down by this Court in *Apoorva d/o Vinay Nichale Versus Divisional Caste Certificate Scrutiny Committee No.1 and others* [2010(6) Mh.L.J. 401], the petitioner also ought to have been given benefit of such validity certificate. We note that the aforesaid validity certificate has been given by the Scrutiny Committee exercising jurisdiction over Nagpur Division and the said validity certificate continues to operate even today. As long as the said validity certificate holds the field, we do not find any reason to deny the petitioner, who is the daughter of said Moreshwar, benefit of the same.

4. For the aforesaid reasons, the order dated 2-11-2022 passed by the Scrutiny Committee, Gondia is quashed and set aside in view of the validity certificate issued to the petitioner's father on 30-11-2006. The Scrutiny Committee shall issue a validity certificate to the petitioner as belonging to 'Mana' Scheduled Tribe within a period of two weeks of receiving the copy of this order. Till such validity certificate is issued, the petitioner is free to rely upon this judgment to indicate that her claim as belonging to 'Mana' Scheduled Tribe has been accepted. It is clarified that the validity certificate has been directed to be granted to the petitioner in view of the earlier validity certificate granted to the petitioner's father. In case any steps in that regard are proposed to be taken by the Scrutiny Committee, the petitioner is also liable to be heard.

5. Rule is disposed of in above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR