



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

WRIT PETITION NO.4059/2023

Shri Gajanan S/o Uddhav Chavan,
age 30 Yrs., Occ. Student,
R/o At Post Anjani Khurd,
Tq. Lonar, Dist. Buldhana.

... Petitioner

- Versus -

Scheduled Tribe Caste Certificate
Scrutiny Committee, Old By Pass,
Chaprashipura, Amravati Division,
Amravati, through its Vice Chairman /
Joint Commissioner.

... Respondent

Mr. A.P. Kalmegh, Counsel for the Petitioner.
Mr. A.A. Madiwale, Assistant Government Pleader for the Respondent.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 3.10.2023

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

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

2. The petitioner herein belongs to Thakur Scheduled Tribe which is recognized at serial No.44 in the list of Scheduled Tribe Order. For availing the benefits of reserved category candidate, the petitioner has submitted the caste certificate dated 7.9.1995 along with necessary documents for verification to the college. Accordingly, college had forwarded the tribe claim of the petitioner along with necessary documents to respondent Committee for verification.

3. The petitioner submitted the documents prior to year 1950, related to paternal side blood relatives of petitioner, wherein entry in regard to caste Thakur is mentioned. The petitioner has also submitted validity certificate issued in favour of his cousin brother. The Vigilance Cell Officer has conducted the enquiry in the matter and submitted the report. The respondent Committee issued show cause notice dated 11.1.2021 along with Vigilance Cell Report and thereby asked to appear before the Vigilance Cell. After receipt of show cause notice the

petitioner appeared before the respondent Committee and filed his written statement. He has submitted all the documents having entry of caste Thakur of year 1950.

4. On 29.1.2021 the respondent Committee directed to submit certain documents in support of the documentary evidence filed by the petitioner. In pursuance to the directions issued by respondent Committee, the petitioner has submitted the required documents. The Committee again forwarded tribe claim of petitioner for vigilance cell enquiry and in said enquiry the Vigilance Cell Officer has collected certain documents viz. of one Govind of year 1914 having entry Bhat, Gopala Amruta Thakur of 1919 and Amruta Rambhaji Thakur of 1913-14. The contrary entries were found. The petitioner appeared before the respondent Committee and filed written statement and specifically denied the relations with the said persons having contrary entry and their names are not mentioned in his family tree. The petitioner has also relied on the judgment in the case of

Anand V/s. Committee for Scrutiny and Verification of Tribe Claims and others reported in (2012) 1 SCC 113. Overlooking the documents particularly documents prior to 1950 and the law laid down by the Hon'ble Apex Court, the Scrutiny Committee has invalidated the tribe claim of the petitioner on 17.5.2023. Hence the petitioner has filed this petition.

5. The learned Assistant Government Pleader has opposed the tribe claim of the petitioner stating that there are three contrary entries which are old documents. Though the petitioner has stated that some of the relatives have received the validity certificates, the said orders are challenged before the Court and are still pending. There is no any old document to prove that the petitioner belongs to Thakur Scheduled Tribe. The Committee has twice given chance to the petitioner to prove his tribe claim and as there is no documentary evidence to prove the same and contra entries are there, the Committee has rightly invalidated the tribe claim of the petitioner.

6. Heard both the learned counsel. Perused the record produced before us.

7. The tribe claim of the petitioner is invalidated on the basis of contra entry of one Govind. The date of birth is mentioned as 18.6.1914. The another document is filed on record of having one daughter to Amruta Thakur on 22.7.1914. There is one month difference between two children of Amruta. As per the family tree Govind is the son of Amruta and Amruta had another daughter in same year after one month which is not possible. The petitioner has also produced the document of Govind Amruta having date of birth 9.4.1903 mentioning tribe as Thakur. Said document is not produced before the Vigilance Cell. As these documents are not produced and the petitioner has only denied the relation with said Govind whose entry is mentioned as Bhat and date of birth is 1914, it is necessary to remand the matter to the Caste Scrutiny Committee to consider the said documents and issue a fresh validity certificate, if found eligible. For aforesaid reasons the following order is passed:-

- (i) The proceedings are remanded to the Scrutiny Committee for fresh consideration in accordance with law.
- (ii) The petitioner shall appear before the Scrutiny Committee on 16.10.2023.
- (iii) Within a period of four months the claim of the petitioner shall be reconsidered and decided afresh in the light of the observations made hereinabove.

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

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)