

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

Writ Petition No.4483 of 2021

Sanjay S/o Tikadas Ninawe,
Aged 47 years,
Occupation : Service as Pharmacist
in Sir JJ Hospital Group,
R/o Sir JJ Hospital Campus,
Byculla, Mumbai 400 008.

... **Petitioner**

Versus

1. **The Scheduled Tribe Caste Certificate
Scrutiny Committee,**
Complex Area, Gadchiroli,
through its Member Secretary,
Tq. District Gadchiroli.
2. **The Dean,**
Sir JJ Group of Hospitals,
Byculla, Mumbai 400 008.

... **Respondents**

Shri R.S. Parsodkar, Advocate for Petitioner.
Ms N.P. Mehta, Assistant Government Pleader for Respondent No.1.

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATE : 6th MARCH, 2023

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

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.
2. The challenge raised in this Writ Petition is to the order dated 14-9-2021 passed by the respondent No.1- Scrutiny Committee thereby invalidating the tribe claim of the petitioner as belonging to

‘Halba’ Scheduled Tribe.

3. It is submitted by the learned counsel for the petitioner that the tribe claim of the petitioner’s sister Ku. Jyoti was invalidated by the Scrutiny Committee by an order passed on the same day. The said order was challenged by the petitioner’s sister in Writ Petition No.4469 of 2021 (*Ku. Jyoti d/o Tikadas Ninawe Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and another*) decided on 10-2-2023. After considering the same documents that are relied upon by the petitioner herein, this Court set aside the order passed by the Scrutiny Committee and declared the petitioner’s sister as belonging to ‘Halba’ Scheduled Tribe.

4. On perusing the impugned order, which is also dated 14-9-2021, we find reference to the petitioner’s sister in Para 2 of the impugned order. Considering the fact that the petitioner’s sister had relied upon the same documents, we are of the view that in the light of the judgment dated 10-2-2023 passed by this Court, the petitioner would be entitled to a similar relief, especially in the light of the decision of this Court in *Apporva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Sadar, Nagpur and others*, reported in (2010) 6 Mh.L.J. 401.

5. Hence, for the reasons recorded in the judgment in Writ Petition No.4469 of 2021 dated 10-2-2023, the following order is passed :

(i) The Writ Petition is allowed.

(ii) The order passed by the respondent No.1- Scrutiny Committee on 14-9-2021 is set aside.

(iii) It is declared that the petitioner belongs to 'Halba' Scheduled Tribe.

(iv) The Scrutiny Committee shall issue a validity certificate to the petitioner within a period of four weeks from the date of receipt of the order.

6. Rule is made absolute in above terms. No order as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

Lanjewar