

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5827 OF 2019

Umesh s/o Ramkrushan Wagh,
aged 19 years, occupation : Education,
r/o at post Bothali (Wahangaon),
Tahsil Chimur, District Chandrapur.

... Petitioner

- Versus -

- 1) Vice Chairman - Member Secretary,
Scheduled Tribe Caste Certificate Scrutiny
Committee, Gadchiroli, Taluq and
District Gadchiroli.
- 2) State Common Entrance Cell,
Maharashtra State, Mumbai, through its
Commissioner having his office at
8th floor, New Extension Building,
AK Nayak Marg, Fort, Mumbai-400001.
- 3) Maharashtra Council of Agriculture
and Research, Pune, through its
Director.

... Respondents

Shri M.V. Bute, Advocate for petitioner.

Shri A.S. Fulzele, Additional Government Pleader for respondent
nos.1 and 3.

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

DATED : APRIL 13, 2023

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

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 passed by the Scrutiny Committee on 18/6/2019 thereby invalidating the petitioner's claim of belonging to "Mana" (Scheduled Tribe).

3) The petitioner in support of his claim that he and his forefathers belong to "Mana" (Scheduled Tribe) relied upon various pre-constitutional documents. One such document is extract of entry in Kotwal Book dated 14/9/1935. The same pertains to the petitioner's great grand-father Tanba. The family tree of the petitioner indicates that Tanba had two issues, namely, Lataru and Yemi. Lataru had a son Ramkrushan, who is petitioner's father. The petitioner's claim has been invalidated principally on the ground that in the birth extract of Yemi, there is some scoring undertaken, thus making the claim doubtful.

4) We have heard the learned Counsel appearing for the parties and perused the record of the Scrutiny Committee. As per the

family tree that was verified by the Vigilance Cell, it is clear that the petitioner's great grand-father was Tanba. The document dated 14/9/1935 refers to Tanba Mana and this document has been examined by the Vigilance Cell. To indicate relationship of Lataru with Tanba, the petitioner relied upon the School Leaving Certificate of his grand-father dated 1/7/1952. To indicate further relationship between Ramkrushan and Lataru, another School Leaving Certificate with the entry "Mana" dated 15/7/1970 has been relied upon. From these documents, which have been verified by the Vigilance Cell, the relationship of petitioner with his grand-father Lataru and great grand-father Tanba stands established. As stated above, the document dated 14/9/1935 bears entry "Mana" and it is from village Bothali where the fore-fathers were residing. In absence of any contrary entry indicating reference to another tribe, there is no reason to disbelieve these documents, two of which are of pre-independence era.

5) The mere reason that there was some alleged scoring in the document pertaining to daughter of Tanba, by name Yemi, cannot be a ground to disregard other documents. Once the relationship as per the family tree stands established, the alleged

scoring in one document becomes insignificant. Even if that document is excluded from consideration, the petitioner's relationship with his other family members having entry "Mana" stands established. We, therefore, find that the Scrutiny Committee was not justified in invalidating the petitioner's claim of belonging to "Mana" (Scheduled Tribe). It may be noted that this Court had to remand the proceedings on the earlier occasion vide Writ Petition No.5083/2018. Pursuant thereto, the impugned order has been passed.

6) For the aforesaid reasons, we are satisfied that the petitioner has proved that he and his forefathers belong to "Mana" (Scheduled Tribe). Hence, the impugned order dated 18/6/2019 passed by the Scrutiny Committee is set aside. It is declared that the petitioner belongs to "Mana" (Scheduled Tribe). The Scrutiny Committee shall issue a validity certificate to the petitioner within a period of six weeks from today.

7) Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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