



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

WRIT PETITION 141 OF 2022

Parathamesh Vikram Banne,
Aged about 19 years,
R/o. Dipak Chowk, Hanuman Vasti, Akola,
Tq. & Dist. Akola.

... **PETITIONER**

// VERSUS //

1. The State of Maharashtra through
its Principal Secretary, Tribal Development
Department, Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Amravati Division,
Amravati, Thought its Deputy Director
and Member Secretary having office
at Ervine Chowk, Amravati.

... **RESPONDENTS**

Shri Firdos Mirza, Advocate for petitioner.
Shri N. S. Rao, AGP for respondents/State.

**CORAM :- ROHIT B. DEO &
M. W. CHANDWANI, JJ.**

DATED :- 17.07.2023

JUDGMENT (PER: M. W. CHANDWANI, J.):-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by
consent of the parties.

3. The petition challenges the order dated 18.10.2021 passed by the Scheduled Tribe Certificate Scrutiny Committee, Amravati Division, Amravati (for short, "Committee"), whereby the caste claim of the petitioner belonging to "Mannewar" (Scheduled Tribe) has been invalidated.

4. The petitioner has cleared 12th standard examination. The petitioner claims to belongs to the caste "Mannerwar", which comes under the category of Scheduled Tribes in the State of Maharashtra. The proposal of the petitioner was forwarded by the College to respondent 2- Committee for deciding his caste claim. The petitioner submitted all the documents showing his and his forefather's caste as "Mannerwar" alongwith the proposal. However, the Committee invalidated the caste claim of the petitioner by the impugned order dated 18.10.2021 on the ground that pre-constitutional document of great-grandfather of the petitioner shows the caste as "Telangi" (upper caste) and "Telangi" is not enlisted in the list of Scheduled Tribes of the State of Maharashtra. Feeling aggrieved by the said order of invalidation, this petition came to be filed.

5. We have heard Shri Firdos Mirza, learned counsel for the petitioner and Shri N. S. Rao, learned Assistant Government Pleader

for respondents/State and perused the impugned order of the Committee.

6. We need not to delve deeper upon the issue. Since, apart from various other grounds, the petitioner has also taken a ground that he got few more documents including several pre-constitutional documents having entries of “Mannewar” and when the proposal was filed before the Committee, the petitioner was not having any knowledge of these documents. Though the petitioner have submitted those documents before this Court, but the Committee had no opportunity to go through these documents. Therefore, without going into the merits of the case, to secure ends of justice it would be just and proper to remit the matter to the Committee for deciding the caste claim of the petitioner afresh, after considering the documents which would be filed before it by the petitioner.

7. Hence, we pass the following order:-

- i) The Writ Petition is partly allowed.
- ii) The impugned order dated 18.10.2021 passed by the respondent 2- Committee is hereby quashed and set aside.

iii) The matter is remanded back to the Committee to decide the caste claim of the petitioner afresh after giving opportunity to the petitioner to file documents.

iv) The petitioner shall appear before the Committee on 21.08.2023.

v) The Committee shall decided the caste claim of the petitioner within three months from the date of appearance of the petitioner.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

RR Jaiswal