



51-9-WP-5840-23

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

WRIT PETITION NO.5840 OF 2023

Ku. Komal Shyamji Dadmal
age about 19, Occupation-Student
(Aspirant to Medical Science Admission)
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... Petitioner

-vs-

The Scheduled Tribe Certificate Scrutiny
Committee, Nagpur,
Through its Member Secretary,
Giripeth, Nagpur 440010
Email: tcscnagpur@gmail.com

... Respondent

Shri N. D. Jambule, Advocate for petitioner.
Shri A. A. Madiwale, Assistant Government Pleader for respondent.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.
DATE : September 20, 2023

Judgment : (Per : A. S. Chandurkar, J.)

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

The petitioner has challenged the order of invalidation dated 31/10/2022 passed by the Scrutiny Committee invalidating the petitioner's claim of belonging to 'Mana' Scheduled Tribe. Since the petitioner desires to pursue higher education, we have heard the learned counsel for the parties and we have also perused the record of the Scrutiny Committee.

2. To substantiate her claim of belonging to 'Mana' Scheduled Tribe, the petitioner has relied upon various documents of her family members to claim that the tribe certificate issued to her was liable to be followed by a validity certificate. Along with the writ petition, the petitioner has placed on record additional documents that were not placed before the Scrutiny Committee for verification. In addition, the petitioner seeks to rely upon the detailed family tree to indicate her relationship with the persons named therein. Before the Scrutiny Committee the petitioner has given details of her relatives. However, there was no reference to a daughter of Raghu alias Raghunath named 'Tani' who is claimed to have been born in 1937. The petitioner now seeks to contend that a daughter was born to Raghu Mana in December 1937 and she was named 'Tani'. Reference to 'Mana' entry is found in the birth records. However her name is not reflected in the family tree that was referred to during the course of the Vigilance enquiry. On this basis it is urged by the learned counsel for the petitioner that an opportunity be granted to the petitioner to place before the Scrutiny Committee additional documents as well as a detailed family tree so that her relationship with the persons named in the said pre-constitutional document could be established. It is to be noted that the petitioner has relied upon various post-constitutional documents having been entry 'Mani'. We therefore find that since the petitioner now claims to have traced out various pre-constitutional documents which she claims relate to her blood relatives coupled with the fact that a detailed family tree was not relied upon by the petitioner, an opportunity deserves to be granted to her. Determination of

social status of a candidate has a long standing effect and therefore we are inclined to grant an opportunity to the petitioner to seek to establish her claim of belonging to 'Mana' Scheduled Tribe.

3. For the limited purpose of enabling the petitioner to submit additional documents along with detailed family tree, the order passed by the Scrutiny Committee on 31/10/2022 is liable to be set aside. Accordingly the following order is passed :

- (a) The order passed by the Scrutiny Committee on 31/10/2022 is set aside.
- (b) The proceedings are remanded to the Scrutiny Committee for fresh consideration since the petitioner desires to rely upon additional documents as well as the revised family tree to substantiate her claim.
- (c) To enable consideration of the petitioner's claim, the petitioner shall appear before the Scrutiny Committee on 10/10/2023. Since the petitioner is a student, her claim be decided expeditiously and preferable within a period of six months from that date.
- (d) Rule is disposed of in the aforesaid terms. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)