



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

WRIT PETITION NO.100 OF 2023

Ku. Jayashri Sanjay Gaygowad
Aged 18 years, Occ: Student,
(Admitted to B.Sc. Agriculture Course,
Education is going on)
At Dhurkheda, Po: Mangrud,
Tah. Umred, Dist. Nagpur-441203.

...PETITIONER

...V E R S U S...

1. The Joint Commissioner-Cum-
Vice-Chairman,
The Scheduled Tribe Certificate Scrutiny
Committee, Giri Peth, Nagpur-440010.
tcsnagpur@gmail.com
2. The Principal,
Anand Niketan College of Agriculture,
At Po. Tah. Warora, Dist. Chandrapur-442914.
Email : anca.anandwan@gmail.com
3. State Common Entrance Test Cell,
Maharashtra State,
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort, Mumbai-400001.
Email : mcaer@redifmail.com

...RESPONDENTS

Shri N.D. Jambhule, Advocate for petitioner.
Shri V.A. Thakare, AGP for respondent no.1.
Shri A.S. Dhore, Advocate for respondent nos.2 and 3.

CORAM :- VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED :- 06.08.2024.

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

. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of both counsel.

2. The petition challenges the order dated 14.12.2022 passed by the respondent no.1 – Scheduled Tribe Certificate Scrutiny Committee, Nagpur, whereby the claim of the petitioner as Mana, a scheduled tribe has been invalidated.

3. Respondent no.2 – Principal, Jeevan Vikas Junior College, Umred, District Nagpur has forwarded petitioner's 'Mana' tribe claim for validation, which is enrolled at serial no.18 of the Constitution (Scheduled Tribes) Order, 1950. The petitioner appeared in MHT-CET 2022 examination and secured admission in B.Sc. Agriculture course provisionally under the Scheduled Tribe quota in respondent no.2 – College. The father of the petitioner has already been granted validity certificate on 01.10.2008 declaring him to be belonging to Mana tribe. Similarly, cousin brothers of the petitioner have also been granted validity certificate of Mana tribe.

Respondent no.1 – Scrutiny Committee got her claim verified through Vigilance Cell. After relying on the contra-entries

in the documents found during vigilance enquiry, respondent no.1 invalidated the claim of the petitioner that she belongs to Mana, a Scheduled Tribe. Feeling aggrieved, the said order is challenged by way of present writ petition.

4. The main contention of the petitioner is that her father, Sanjay has been given validity certificate by respondent no.1- Scrutiny Committee. It is also contended that cousin brothers of the petitioner have also been granted validity certificates. According to the petitioner, though there are adverse entries but having regard to the old entry in pre-constitutional documents, father and cousin brothers of the petitioner have been granted validity, therefore, the committee ought to have granted validity certificate to the petitioner.

5. The relationship of the petitioner with Sanjay, her father as well as Akshay and Aditya, cousin brothers, as reflected in the genealogical tree is not denied by the Scrutiny Committee. The Scrutiny Committee relied on the Vigilance report, which mentions the documents showing caste of relatives of the petitioner as Mana as well as the documents having contra-entry

i.e. Mani. The oldest document which has been relied upon by the petitioner is of Kotwal Panji of 1919, which is the birth extract of son born to Doma, the great-great-grandfather of the petitioner, showing his caste as Mana. However, that document has been discarded only on the ground that original record has been destroyed by the Authority, who maintained such document. That apart, the Scrutiny Committee has also discarded the document i.e. birth record dated 03.04.1948 showing that son Kisan, the grandfather of the petitioner, was born to Bijya Doma, great-great-grandfather of the petitioner, on the ground that there is no evidence that Suryabhan, grandfather of the petitioner was also known by Kisan. The fact remains that genealogical tree prepared in Vigilance report itself goes to show that the name of Suryabhan is also Kisan.

6. Evidently, Sanjay, father of the petitioner, as well as Aditya and Akshay, cousin brothers of the petitioner, have been granted validity by the Scrutiny Committee. It is to be mentioned here that in *Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others* ¹, wherein this

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Court has expressed that if prior validity is issued to a blood relative in the family then an applicant is also entitled for validity.

7. Above all, the Supreme Court in the case *Priya Pramod Gajbe Vs. State of Maharashtra*¹ has observed in para 10 as under:

“10. A perusal of the report of the Vigilance Committee itself would reveal that the appellant’s great grandfathers birth record show the caste as ‘Mana’. The said document relates to as early as 10th March 1924, while another document of 14th April 1926 shows as ‘Mani’. However, it is pertinent to note, and learned counsel for the parties also agree, that there is no caste named ‘Mani’. It is thus possible that there could be some mistake in writing when the caste was written. It is to be noted that original record is written in Marathi and not in English. As such, such an error is quite possible.”

8. Considering the pre-constitutional and oldest entry of 1919 showing the caste of the great-grandfather as ‘Mana’ and in view of decision in the case of *Apoorva* as well *Priya* (supra), we feel that petition deserves to be allowed. Accordingly, we hereby quash and set aside the impugned order dated 14.12.2022 passed by respondent no.1 – Scrutiny Committee in Case

No.JC/TCSC/NGP/I/472/31/2021. It is declared that petitioner belongs to Mana, Scheduled Tribe and respondent no.1 is directed to issue validity certificate of 'Mana' Scheduled Tribe within a period of four weeks from today.

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

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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