



919-J-WP-356-22

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

WRIT PETITION NO.356 OF 2022

Ku. Manisha Madhukar Gadmade
(Aged about 29 years)
Alias Mrs Manisha Pravin Nannaware
Occupation : Service – ‘Police Constable’
(Ordinary resident of Amravati District)
Address of Correspondence : Nehru Nagar,
Ward No.4, Opposite ‘Samaj Bhavan’, Mul Road,
Chandrapur – 442401

... Petitioner

-vs-

1. The Scheduled Tribe Certificate Scrutiny Committee,
Amravati, Through its Member Secretary,
Near Govt. Rest-house, Sana House, Old Bypass Road,
Chaprashipura, Amravati – 444 601
eMail – tcscamr.mah@nic.in
2. The ‘Superintendent of Police’,
c/o Office of the Superintendent of Police,
Chauhan Colony, Chandrapur,
Chandrapur – 442 401
eMail – sp.chandrapur@mahapolice.gov.in

... Respondents

Shri S. P. Khare, Advocate for petitioner.

Shri N. R. Patil, Assistant Government Pleader for respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : February 02, 2024.

Oral Judgment : (Per : Nitin W. Sambre, J.)

Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel for the parties.

Challenge is to the order dated 15/09/2021 passed by the respondent-Scrutiny Committee negating the claim of the petitioner for grant of validity as that of belonging to ‘Mana’ Scheduled Tribe.

2. Amongst other oldest documents which the petitioner relied on is of 23/02/1913 which pertains to the entry about recording a daughter being born to great grandfather of the petitioner viz. Shego Mana. The Committee through its Vigilance Cell tried to verify the said document and recorded a finding that the said entry cannot be verified from the Kotwal book as said documents are not available. The Committee has relied on the certificate dated 10/10/2019 issued by the Tahsildar, Nandgaon Khandeshwar certifying that above entry/Kotwal book is not available.

3. The petitioner has raised a specific ground in the petition in para 7 at page 9 which reads thus :

“ 7. While, the Committee remained ‘silent’ as to evidence of 1930 brought on record by the Vigilance Cell; as to ‘Evidence of 1913, it is not the case of the Committee that the evidence 23/02/1913, is not genuine or the relationship is doubtful.

The Committee and the Vigilance Cell only recorded that they are unable to confirm the veracity of the evidence, as the ‘original’ is not available with the Tahsil Office, Nandgaon Khandeshwar. No cognizance was taken of ‘Digitized Records’ made available by the petitioner. ”

4. Apart from above, the petitioner has produced before us original certified true copy issued by the Tahsil, Nandgaon Khandeshwar about the aforesaid entry. Photocopy of which is annexed at page 97 of the petition.

5. The fact remains that the petitioner has been issued certified copy of the aforesaid entry on 05/10/2010 and the Committee in the impugned order has observed that the Tahsildar has certified that extract of Kotwal book having the aforesaid entry is not available for verification. We are unable to understand as to the basis for issuing such certificate by the Tahsildar when the petitioner was issued certified copy by the very same Tahsildar. Apart from above the petitioner has specifically stated that the said record was digitized and has produced the aforesaid entry in digitized form for consideration which the Committee has failed to go into.

6. That being so, the order impugned suffers from non-consideration of the oldest document that is the entry of 23/02/1913 which depicts a daughter was born to Shego Mana great grandfather of the petitioner. Since the order impugned is passed without considering the said entry of 1913 which is duly certified by the Tahsildar, same is suffering from non-consideration of important documents which are in the form of evidence which is prior to pre-independence era and which has more probative value.

7. That being so, the order impugned dated 15/09/2021 is hereby quashed and set aside with further direction to the respondent-Scrutiny Committee to pass a fresh order after considering the aforesaid entry dated 23/02/1913 if so needed, by carrying enquiry through Vigilance Cell.

8. The petitioner to appear before the Scrutiny Committee on 26/02/2024 with all documents.

9. The Scrutiny Committee is directed to decide the tribe-claim of the petitioner as expeditiously as possible and in any case within a period of six months from 26/02/2024.

10. Needless to clarify no extension shall be granted at the request of counsel for either party.

11. Rule is made absolute in aforesaid terms. No order as to costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)