



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

WRIT PETITION NO. 1126 OF 2024

1) Ku. Aakansha d/o Gajanan Wagh,
Aged about 20 years, Occ.-Student.

2) Devchand s/o Gajanan Wagh,
Aged about 18 years, Occ.-Student,

Both R/o Murmadi, Post Pardi,
Tahsil Lakhandur, District-Bhandara.

.... **PETITIONERS**

VERSUS

1) Deputy Commissioner & Vice President
Secretary, The Scheduled Tribe Certificate
Scrutiny Committee, Gondia Administration
Bhavan, Gondia, District Gondia.

2) Member Secretary,
Regional Selection Committee, Nagpur
and Deputy Conservation of Forest,
Nagpur Forest Division, Nagpur.

.... **RESPONDENTS**

Mr. S.D. Chande, Counsel for the petitioners,
Mr. H.D. Marathe, AGP for the respondents.

CORAM : NITIN W. SAMBRE
& ABHAY J. MANTRI, JJ.
DATED : 16th FEBRUARY, 2024

ORAL JUDGMENT : (Per : Abhay J. Mantri, J.)

Heard. **Rule.** Rule made returnable forthwith.

Name of petitioner
No.2 is corrected as per
order dt. 15-3-2024 in
CAW 788/24

2. The petitioners belong to the 'Mana' Scheduled Tribe for which a proposal for issuance of caste validity came to be submitted to the respondent-scrutiny Committee. However, such claims are pending before respondent No.1-Scrutiny Committee.

3. Mr. S.D. Chande learned Counsel appearing for the petitioners has submitted that petitioner No.1 is selected as Forest Guard with respondent No.2 and document verification is scheduled before the Committee. He has also pointed out that in merit list published by respondent No.2 the name of petitioner No.1 is shown at Sr. No.14. However, due to non-issuance of the Caste Validity Certificate, petitioner No.1 is deprived of the appointment on the post of Forest Guard. Lastly, he canvassed that the scrutiny committee has already issued a Caste Validity Certificate in favour father of the petitioners. That being so the petitioners are entitled to have validity certificates in view of the law laid down in the case of *Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and others*, 2010 (6) *Mh.L.J.* 401. Therefore, he urged for directing respondent No.1-Scrutiny Committee to decide the caste claim of the petitioners, as early as possible.

4. Having considered the factual scenario, it seems that the concerned Scrutiny Committee has issued a Caste Validity Certificate in

favour of father of the petitioners. That being so the petitioners are justified in claiming that they are entitled to get validity certificates as their case is covered by the dictum laid down in the case of *Apoorva d/o Vinay Nichale*. In such an eventuality, it reveals that due to non-determination of the claim of the petitioners, petitioner No.1 will be deprived of appointment/employment, therefore, to avoid causing inconvenience to the petitioners we deem it appropriate to issue following to the respondent- Scrutiny Committee.

5. For the aforesaid reasons, we proceed to pass the following order.

- (i) Respondent No. 1-Scrutiny Committee is hereby directed to decide the Caste claim of the petitioners as early as possible and within a period of four weeks, from the production of this order.
- (ii) Respondent No.1-Scrutiny Committee is further directed to consider the Validity Certificate issued in favour of the father of the petitioners while determining the claim of the petitioners.
- (iii) The petitioners undertake to appear before respondent No.1-Scrutiny Committee on 26-2-2024.

- (iv). Needless to clarify, it shall be open for the petitioners to approach afresh in case any contingency arises.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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