



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

WRIT PETITION NO. 1047/2023

Ku. Vaishnavi Keshav Jambhule

Vs.

**The Scheduled Tribe Certificate Scrutiny Committee, Chandrapur through
its Member Secretary**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.P. Khare, Advocate for petitioner
Mr. N.S. Autkar, AGP for Respondent

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 16th FEBRUARY, 2024

The petition questions the order dated 04/10/2022, passed by the Scrutiny Committee, whereby the claim of the petitioner belonging to Scheduled Tribe Mana has been allowed, only for the reason, that the Committee expresses its apprehension that not doing so would amount to contempt of Court (page 35). What is necessary to be noted, is that the earlier rejection of the tribe claim of the petitioner was challenged before this Court in Writ Petition No.4630/2022 and by the judgment dated 20/9/2022, the matter was remitted back to the Scrutiny Committee to decide the tribe claim of the petitioner on the basis of existing evidence and material before it in accordance with law and also by considering the validity certificates granted to Keshav Lahanu Jambhule, the father of the

petitioner and Sharad Rushi Jambhule, the cousin, in view of the directions of the Hon'ble Apex Court.

2. The impugned decision dated 04/10/2022, however, instead of doing so in para 24 indicates that the claim is being validated, on account of the apprehension of being prosecuted of contempt as indicated above.

3. We are afraid, we cannot countenance such act on the part of the Committee, for the reason that all that was directed by the judgment dated 02/09/2022 in Writ Petition No.4630/2022, was for the Committee to decide the validity of the tribe claim of the petitioner on the basis of evidence and material available on record as well as the validity certificates granted to her father and cousin as indicated in the said decision, which has not been done. The petition basically, seeks to expunge the aforesaid remarks from the impugned decision which indicates, that the validity has not been granted on merits, but on account of fear of contempt. After considering the arguments of the learned counsels for both sides and perusing the impugned decision, it is apparent, that since father of the petitioner namely Keshav Jambhule has been granted validity by the Committee, which was in view of the decision of the Hon'ble Apex Court in Civil Appeal No.5270/2004, a copy of which has been tendered across bar, taken on record and marked as "X" for identification and since the genealogy is not being disputed, nor it is in dispute, that

the petitioner is daughter of Keshav Lahanuji Jambhule, there was no reason whatsoever for the Committee, to have granted the validity to the petitioner, under the fear of contempt. The observations in the decision dated 04/10/2022 in this regard contained in para 24 are, therefore, expunged and it is held, that the validity, which is granted to the petitioner, is on the merits of the matter, considering the discussions made above.

4. The petition is disposed of in the above terms.
No costs.

(SMT. M.S.JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)