



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

WRIT PETITION NO.4311 OF 2022

Nikhil S/o Devidas More, Kuhi, Umred Road, Dist. Nagpur

-VS-

The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms Preeti Rane, Advocate for petitioner.

Shri A. A. Madiwale, Assistant Government Pleader for respondent No.1.

Shri S. V. Purohit, Advocate for respondent Nos.2 to 4.

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

DATE : February 12, 2024

1. The order impugned dated 29/12/2020 rejecting the tribe-claim for verification as moved by the petitioner claiming to be 'Thakur' Scheduled Tribe in our opinion is not sustainable as the respondent-Scrutiny Committee has failed to consider the order dated 02/08/2019 delivered in Writ Petition No.4050/2005 (*Devidas S/o Pandurang More vs. The State of Maharashtra and ors.*) wherein this Court has directed to issue validity certificate to the father of the petitioner herein.

2. The fact remains that the order in case of *Devidas Pandurang More* (supra) has attained finality as same is not questioned by the respondents. At least no such material is brought to our notice. The fact that the claim of sister of the petitioner viz. Vandana who is daughter of the petitioner *Devidas More* in Writ Petition No.4050/2005 suffered dismissal/rejection order on 01/08/2018 can be said to be prior in point of time than that of the order of Division Bench of this

Court dated 02/08/2019 wherein declaration is given in favour of the father of the petitioner.

3. As such, the order impugned dated 29/12/2020 invalidating the claim of the petitioner of belonging to 'Thakur' Scheduled Tribe is set aside.

4. The respondent-Scrutiny Committee is directed to decide the tribe-claim of the petitioner afresh by taking recourse to the order of this Court dated 02/08/2019 in Writ Petition No.4050/2005 (*Devidas S/o Pandurang More vs. The State of Maharashtra and ors.*) within a period of six months from the date of appearance of the petitioner before it.

5. The petitioner shall appear before the Scrutiny Committee on 11/03/2024 with all relevant documents.

6. The writ petition is partly allowed in aforesaid terms. Disposed of as such. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)