



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

WRIT PETITION NO.988 OF 2024

Maheshwari Durgaprasad Surajjoshi, Tq. Sakoli, Dist. Bhandara

-VS-

The Scheduled Tribe Caste Certificate Scrutiny Committee, Gondia 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.

Shri R. L. Khapre, Senior Advocate with Shri V. A. Lohia, Advocate for petitioner.
Shri D. P. Thakare, Additional Government Pleader for respondent Nos.1, 2 and 4.
Shri Shravan S. Taram, Advocate for applicant in CAW/694/2024.
Shri Siddhant I. Gatte, Advocate for applicant in CAW/715/2024.

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

DATE : March 12, 2024

Civil Application (CAW) Nos.694/2024 and 715/2024

1. In view of no objection extended by Shri R. L. Khapre, learned Senior Advocate for the petitioner, the applications for intervention are allowed. Applicants be added as respective respondents. Amendment be carried out forthwith.

Civil Applications are allowed and disposed of.

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2. Challenge in the petition is to the order dated 21/01/2024 passed by the respondent-Scrutiny Committee invalidating the claim of the petitioner as that of "Gond-Gowari (Scheduled Tribe).

3. The claim of the petitioner is that he belongs to "Gond-Gowari" (Scheduled Tribe) and as such he was granted conditional validity on 17/01/2020 by the then Scrutiny Committee.

4. In view of the clarity in law as expressed by Honourable Apex Court in *State of Maharashtra and anr. vs. Keshao Vishwanath Sonone*

and anr. (with connected matters) (2021) 13 SCC 336, it is the contention of Shri R. L. Khapre, learned Senior Advocate for the petitioner that the petitioner has every right to demonstrate that he belongs to “Gond Gowari” (Scheduled Tribe) by establishing the affinity as that of “Gond” (Scheduled Tribe). The learned Senior Advocate draws support from paragraph 110 onward of the aforesaid judgment which read thus :

“110. The High Court is not correct in its view that “Gond Gowari” shown as Item 28 in Entry 18 of Scheduled Tribes Order, 1950, is not a sub-tribe of “Gond”. The validity of caste certificate to “Gond Gowari” has to be tested on the basis of affinity test as specified in the Government Resolution dated 24/04/1985.”

5. It is not in dispute on facts that the real brother of the petitioner has got employment as belonging to ‘Gowari’ (Special Backward Class).

Apart from above, the petitioner in our opinion needs to elaborate his stand in the backdrop of the arguments of Shri R. L. Khapre, learned Senior Advocate that he fulfills the affinity as that of “Gond” (Scheduled Tribe) thereby claiming that “Gowari” tribe to which he belongs is a small sub-tribe of “Gond” (Scheduled Tribe). We hardly see any material on record to that fact. However, the learned Senior Advocate seeks time to further address the Court.

6. Time granted. Stand over to 18/03/2024.

7. The record of the Scrutiny Committee be produced for perusal on the said date.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)