



Judgment

wp7425.23

1

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

WRIT PETITION No. 7425 OF 2023.

Shubham s/o Ganesh Bansod,
Aged about 19 years, Occupation -
Student, Resident of At Post Chikhali,
Taluq Risod, District Washim. ... PETITIONER.

VERSUS

The Scheduled Tribes Caste
Certificate Scrutiny Committee,
through its Member Secretary,
Shashtri Nagar, Yavatmal. ... RESPONDENT.

Mr. R.S. Parsodkar, Advocate for the Petitioner.
Mr. V.A. Thakare, A.G.P. for the Respondent.

CORAM : VINAY JOSHI AND
M.W.CHANDWANI, JJ.

DATE : AUGUST 02, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Rule. Rule made returnable forthwith and by

Rgd.

consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. Petitioner's caste claim as belonging to "Thakur Scheduled Tribe" which is enlisted at entry No.44 in the Constitution (Scheduled Tribe) Order, 1950 has been rejected by the respondent Scrutiny Committee vide order dated 04.08.2023, which is impugned in the present petition.

3. It is the contention of the petitioner that he has produced several pre-constitutional documents, however, by sidelining those documents, his claim has been rejected merely on the ground of failure in affinity test and area restriction. The learned Counsel appearing for the petitioner would submit that this Court while considering the case of petitioner's real sister Pooja along with cousin brother Gopal, has considered all the aspects and has validated their claim in Writ Petition No.2097/2022 vide judgment and order dated 22.07.2024. It is contended the same documents were subject matter of scrutiny before this Court and on considering the entire material,

Rgd.

this Court has evaluated the caste claim of Pooja and Gopal.

4. We have gone through the decision rendered by this Court in Writ Petition No. 2097/2022 dated 22.07.2024. There is no dispute that Pooja is real sister of the petitioner. The decision in case of **Apoorva Vinay Nichale .vrs. Divisional Caste Certificate Scrutiny Committee and others – 2010 [6] Mh.L.J. 401**, endorses to grant validity if a family member/blood relative has been granted validity. Herein not only the family member is having validity, but, the claim has been tested by this Court and by virtue of directions of this Court, validity has been issued. In the circumstances, this would be a sufficient reason for us to set aside the impugned order and direct the Scrutiny Committee to issue validity certificate. Hence the following order.

ORDER

- [i] Writ Petition is allowed.
- [ii] We hereby quash and set aside the order dated 04.08.2023, passed by the respondent Scheduled Tribe Caste Certificate Scrutiny Committee, Yavatmal.

Rgd.

- [iii] The respondent Scrutiny Committee is directed to issue validity certificate in favour of the petitioner as belonging to “Thakur Scheduled Tribe”, within a period of four weeks.
- [iv] Till issuance of the validity certificate, the Authorities may act on copy of this judgment for considering the claim of petitioner as belonging to Thakur Scheduled Tribe.
- [v] Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE

JUDGE