



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

Writ Petition No.8302 of 2022

[Dnyaneshwar Ramdhan Rane **VERSUS** The Scheduled Tribe Certificate Scrutiny Committee,
Gondia, through its Deputy Director cum Member Secretary]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.D. Jambhule, Counsel for Petitioner.
Shri J.Y. Ghurde, Assistant Government Pleader for Respondent.

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

DATE : 20th JUNE, 2024

P.C. :

1. The petitioner's claim as belonging to 'Mana' Scheduled Tribe is negated by the respondent-Committee by the impugned order dated 19-9-2022.

2. In support of the claim, the petitioner has produced the documents as old as of 1-2-1946, 1945 and 1955-56 in relation to his grandfather-Sakharam and cousin grandfathers-Bakaram and Abhiman respectively. Apart from these documents, the petitioner has produced the entry of 1916-17 in relation to Ragho alias Kanha Mana.

3. As far as the entry of Ragho alias Kanha Mana is concerned, the same is of 1916-17, however it was held by the Committee that the petitioner has not established any relationship with the said Ragho alias Kanha Mana.

4. As far as the other document in relation to the grandfather of the petitioner is concerned, i.e. the oldest one of 1-2-1946, the same was discarded in view of the existence of 'Mana'-'Mani' entries.

5. The least that was expected of the respondent-Committee and also of the Vigilance Cell is to conduct a thorough enquiry as regards the documents which were produced by the petitioner and find out as to whether the document in relation to his grandfather of 1-2-1946 could be relied on for the purpose of granting validity certificate.

6. The Committee, by relying on the documents of the great grandfather, cousin great grandfather and cousin grandfather of the petitioner, has rejected the claim of the petitioner on the basis of the mention of entries of 'Mani' or 'Kunbi'.

7. As far as the entries which were relied on are concerned, the same are subsequent to the entry of the grandfather of the petitioner, which is of 1-2-1946.

8. As such, the impact of entry of the grandfather of the petitioner of 1-2-1946 as that of belonging to 'Mana' on the subsequent entries of 'Mani' or 'Kunbi' ought to have been evaluated and the document, which is in existence prior to Independence, certifying entry of 'Mana', should have been given more weightage.

9. In this background, we are of the view that the impugned order dated 19-9-2022 passed by the respondent-Committee is not sustainable in law and as such the same is hereby quashed and set aside.

10. We direct the petitioner to appear before the respondent-Committee on **8-7-2024**. If so required, the Committee shall cause a fresh vigilance cell enquiry and pass an order in accordance with law within a period of three months thereafter, after giving an opportunity of hearing to the petitioner.

11. The petition shall stand partly allowed and disposed of in the above terms. There shall be no order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR