



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

WRIT PETITION NO. 6636 OF 2018

(Harshada d/o Bandu Gajabe ..vs.. The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others)

WITH

WRIT PETITION NO. 5718 OF 2021

(Gajanan s/o Marotrao Gajbe ..vs.. The Vice-Chairman/Member Secretary, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others)

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

Court's or Judge's orders

Ms. Himani Kavi, Counsel h/f. Ms. Preeti D. Rane, Counsel for the petitioner in W.P. No. 6636/2018
Ms. Himani Kavi with Ms. Preeti D. Rane, Counsel for the petitioner in W.P. No. 5718/2021,
Mr. N.S. Rao, AGP for respondent No.1,
Ms. Kalpana Pathak, Counsel for respondent No.3 in WP No. 6636/2018,
Mr. P.V. Navlani, Counsel for respondent No.2 in W.P. No. 5718/2021.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**
DATED : 28-06-2024

The learned Counsel for the petitioners would urge that in Writ Petition No. 5238/2022 decided on 06-3-2024 Ku. Rutuja, younger real sister of the petitioner in Writ Petition No.6636/2018 was granted validity by the order of this Court. As such, it is claimed that the order impugned in the said petition is liable to be quashed and set aside. As the said petitioner being direct blood relations, the order of validity shall be equally applicable to the facts of the said petition.

2. As against above, the learned Assistant Government Pleader Mr. N.S. Rao would invite our attention to the impugned order questioned in Writ Petition No. 5718/2021 at the behest of Gajanan

Marotrao Gajbe. In the said impugned order, the Vigilance Cell has produced an entry in relation to death of Mohana Manaji Mane of 24-6-1916 who was great-grandfather of the said petitioner. It is claimed that the said entry was procured by the Vigilance Cell and it goes contrary to the interest of the petitioners in these petition also.

3. In response to Court's query, the learned Assistant Government Pleader Mr. N.S. Rao submits that though the said entry was within the knowledge of the Committee, the Committee has not chosen to question the order of this Court dated 06-3-2024 passed in Writ Petition No.5238/2022 before the Apex Court or has failed to prefer review petition for want of instructions from the Committee.

4. We have considered the said entry of 'Mane' of 24-6-1916 in relation to Mohana Manaji Mane.

5. Though the said entry is claimed to be in relation to great-grandfather of the petitioner in Writ Petition No. 5718/2021, who happened to be the uncle of the petitioner in Writ Petition No.6636/2018, the fact remains that the said entry can have hardly any impact on the merits of the claim of the petitioners, particularly in the light of the verdict given by this Court in Writ Petition No. 5238/2022 decided on 06-3-2024.

6. The caste 'Mane' recorded in the document which was discovered by the Vigilance Cell, cannot be

considered to the detriment of the petitioners as the oldest document of 'Mana' of 10-3-1924 shall prevail.

In support of aforesaid finding, justification could be the judgment delivered by the Division Bench of this Court in Writ Petition No. 5238/2022 decided on 06-3-2024 in favour of younger sister of the petitioner in Writ Petition No.6636/2018, who is her blood relations. The said judgment is based on the view expressed by the Apex Court in the matter of *Priya Pramod Gajbe v. State of Maharashtra and others, 2023 10 Scale 426* wherein the Apex Court has recorded a finding in relation to the entries about caste caused by mistake.

7. That being so, the order impugned passed in both these petitions are hereby quashed and set aside. We hereby declare that the petitioners in both these petitions are entitled for issuance of validity certificates as that of belonging to Mana Scheduled Tribe. The validity be issued within a period of four weeks from today.

Once a declaration as to the petitioners belonging to Mana Scheduled Tribe is ordered by this Court, the next consequences shall follow and it shall be open for the petitioners to approach to the College for release of documents.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)