



750-J-WP-282-24

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

WRIT PETITION NO.282 OF 2024

Chandrashekhar Manohar Sanhal
Aged about 63 years.
Occ. Retired, R/o B/101 Sai Swar,
First Floor, Sector 2, Kharghar,
Navi Mumbai

... Petitioner

-vs-

1. The State of Maharashtra Tribal
Development, Through its Principal
Secretary, Department, Mantralaya,
Mumbai – 32
2. The Schedule Tribe Caste
Certificate Scrutiny Committee,
Through Deputy Director cum
Member Secretary, Sana Building,
Chaprashipura, Amravati-444602
3. Executive Engineer,
Public Works Department, Panvel,
District Raigad

... Respondents

Shri G. N. Khanzode, Advocate for petitioner.
Shri N. S. Rao, Assistant Government Pleader for respondents.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.
DATE : December 04, 2024.

Oral Judgment : (Per : Nitin W. Sambre, J.)

Rule. Rule made returnable forthwith. Heard finally with
consent of learned counsel for the parties.

The learned Assistant Government Pleader Shri N. S. Rao in
response to the submissions of learned counsel for the petitioner

submits that the issue is covered by Division Bench Judgment in the matter of *Khushali d/o Devidas Lade vs. State of Maharashtra and anr.* **2024(3) Mh.L.J 160.** He would urge that this Court can remand the matter as the documents of 1896, 1897 and 1942 are not considered by the Committee on which the petitioner has placed reliance.

2. We fail to understand as to what has prompted the respondent-Committee not to consider the said documents when the order of remand was passed by this Court on 24/01/2023 in Writ Petition No.3254/2019 (*Chandrashekhar Manohar Sanhal vs. The State of Maharashtra and ors.*) when reference was made to same in the above order of the Court. In paragraph 6 this court has specifically referred to aforesaid documents so as to appreciate the case of the petitioner. The least that was expected of the respondent-Committee is to deal with those documents.

3. From the perusal of the original record of the Committee, it could be noticed that the entries referred in aforesaid order of the High Court i.e. the entry in service-book in relation to S. Ratnam grandfather of the petitioner dated 06/11/1897 so also in the copy of sale-deed in favour of S. Ratnam of 20/03/1942 were very much available before the Committee. The respondent-Committee has failed

to consider the said entries/documents while passing the impugned order.

4. The fact remains that these documents are more than eighty years old and have greater evidentiary value apart from the fact that these are pre-constitutional era entries. Since the entries are prior to issuance of the Constitution (Scheduled Tribes) Order, 1950, the aforesaid documents are required to be accepted.

5. Shri N. S. Rao, learned Assistant Government Pleader tried to justify the impugned order based on the entries of 'Telugu', 'Telangi', 'Madrasi' in various records in relation to the petitioner and his relatives.

As far as the said issue is concerned, 'Madrasi' is neither a caste nor a language. The entry of 05/07/1965 is in relation to the petitioner himself, the entries of 1920 and 1942 in relation to great grandfather and grandfather viz. Rajgopal and S. Ratnam are sought to be relied on so as to claim that the petitioner belongs 'Telugu Mannewar'. In the matter of *Khushali d/o Devidas Lade* (supra), this Court has already held that Telugu is not a caste and is an official language.

6. In this backdrop, the claim put forth by the respondent that the petitioner cannot be held to be belonging to 'Mannewar' Scheduled Tribe, cannot be accepted as the petitioner has established the claim based on documentary evidence of 1896, 1897 and 1942.

7. That being so, the prayer for remand is hereby rejected. We set aside the order impugned dated 28/08/2023.

8. We declare that the petitioner belongs to 'Mannewar' Scheduled Tribe.

9. The respondent-Committee shall issue the petitioner a caste validity certificate belonging to 'Mannewar' Scheduled Tribe within a period of four weeks from the date of production of this order before it.

10. Rule is made absolute in aforesaid terms. No order as to costs.

(Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)