



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

WRIT PETITION NO. 376 OF 2024

(Akash s/o Ramesh Ingle .vs. Vice Chairman/Jt. Commissioner and one)

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

Court's or Judge's orders.

Mr. A.P. Kalmegh, Advocate for the petitioner,
Mr. A.A. Madiwale, AGP for respondent no.1.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 17th JANUARY, 2024.

Heard.

2. Issue notice to the respondents, returnable on
14th February, 2024.

3. Learned Assistant Government Pleader waives
notice on behalf of respondent no.1-State.

4. The tribe claim of the petitioner as that of
belonging to 'Thakur' Scheduled Tribe came to be
negated. The oldest document, which the petitioner
has relied on, is of 1931 which is in relation to great
grandfather.

5. Mr. Kalmegh, learned counsel, would invite
our attention to earlier interim order passed by this
Court, wherein his selection as an Assistant with Reserve

Bank of India came to be protected to mean that such selection is not to be disturbed or cancelled. According to him, it is only based on affinity test and on the negation/rejection of the tribe claim of his cousin uncle, the Committee has rejected the claim of the petitioner. As such, he would urge that the selection of the petitioner needs to be protected.

6. As against this, Mr. Madiwale, learned Assistant Government Pleader, would urge that once the order of negation of the caste claim in relation to cousin uncle is not questioned, the same has attained finality and rightly so considered by the Committee against the interest of the petitioner. According to him, the petitioner, in such an eventuality, cannot say that he belongs to 'Thakur' Scheduled Tribe.

7. As far as the aforesaid issue about the negation of the tribe claim of cousin uncle, in our opinion, will not act as an embargo on the right of the petitioner to assail the order of the Committee, as it is always open to the petitioner to demonstrate before this Court that he belongs to 'Thakur' Scheduled Tribe.

8. Once an entry of 1931 is shown to be 'Thakur', in our opinion, in view of law laid down by the Apex Court in the matter of *Priya Gajbe .vs. State of Maharashtra and others*, reported in 2023 SCC online SC

909, such documents will have more probative value. That being so, the interim order, which was in operation during pendency of the caste claim ordered by this Court, shall continue to operate even in the present writ petition, until further order.

9. Stand over to **14th February, 2024.**

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)