



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

WRIT PETITION NO. 8098 OF 2022

(Suresh Digambar Bayaskar Vs. Scheduled Tribe Caste Certificate Scrutiny Yavatmal and ors)

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

Court's or Judge's orders

Mr. R.S. Parsodkar, Advocate for petitioner,
Mr. P.P. Pendke, AGP for respondent Nso. 1 to 3/State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 27-02-2025

The petition questions the decision taken by Scrutiny Committee, Yavatmal dtd. 6.12.2022 by which the claim of the petitioner of belonging to Thakur Scheduled Tribe has been rejected on the ground that she was resident of village Rajanda, Tahsil Barshi Takli, District Akola (p72). It is necessary to note that the area restrictions have already stood removed in the year 1976 itself.

2. The genealogical tree on page 67 of the record produced for our inspection by the learned AGP is not disputed which would indicate that the petitioner has a son by name Mandar and daughter Prajakta, both of whom, have been granted validity by the judgment of this Court dated 8.5.2024 in Writ Petition No. 6959/2023 and Writ Petition No. 7579/2022. The matter is therefore, covered by explanation 3 to Rule 16 of the Caste Certificate Rules, 2012 which have been held to be applicable for the purpose of granting validities, to the persons belonging to the Scheduled Tribes, by the Full Bench in *Maroti Vyankati Gaikwad Vs. Dy.*

Director and Member Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (AIRONLINE 2023 BOM 1849). Even otherwise, the matter is also covered by the judgment of this Court in *Apoorva d/o Vinay Nichale vs Divisional Caste Certificate Scrutiny Committee No.1 and others (2010(6) Mh.L.J. 401*, which holds that where validity has been granted to any member of the genealogical tree and the relationship is not disputed, the validity cannot be denied to the applicant, in view of which, we do not see any reason to sustained the impugned decision of the Scrutiny Committee dated 6.12.2022 (p65). The same is hereby quashed and set aside and the Scrutiny Committee is directed to issue certificate to the petitioner of belonging to Scheduled Tribe within a period of four weeks. The petition is allowed in the above terms. No costs. Original record is returned back to the learned AGP.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede