



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 3935 OF 2024

(Mr. Rushi S/o Balwant Dadmal

Vs.

The Deputy Director/Member, Secretary the Scheduled Tribe Certificate
Scrutiny Committee, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ananta Ramteke, Advocate for the Petitioner.
Mr. J.Y. Ghurde, AGP for the Respondent/State.

CORAM: ALOK ARADHE, CJ. AND
AVINASH G. GHAROTE, J.

DATED : 26th FEBRUARY, 2025

P.C.

1. Heard.
2. The Petition questions the decision of the Respondent/Tribe Scrutiny Committee dated 09.01.2024 (page 28), whereby the claim of the Petitioner of belonging to Scheduled Tribe 'Mana', has been turned down.
3. Mr. Ramteke, learned Counsel for the Petitioner, submits that the father, brother and sister of the Petitioner have been granted validity, which is still in force, on account of which, merely because some documents have been found by the vigilance, in the enquiry made, on the application for validity by the Petitioner, without establishing the relationship and without recalling the orders of validity granted to his father, brother and sister, the Committee could not have taken a contrary decision.

4. Mr. Ghurde, learned AGP for the Respondent/State, does not dispute that the father of the Petitioner Balwant Narayan Dadamal has been granted the validity by the Tribe Scrutiny Committee on 22.01.2007 (page 60). He also does not dispute, that the brother of the Petitioner Shiv Balwant Dadmal has also been granted validity on 14.06.2019 after due vigilance, which is at page 61. It is also not disputed, that Kavita Waman Dadmal sister of the Petitioner, has also been granted validity by the Committee on 15.02.2020 (page 62), which is also after vigilance.

5. This being the position, then explanation (3) of Rule 16 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 (hereinafter to be referred as the "Rules of 2012" for short), is clearly attracted and all that the Committee was required to do was to publish the position on the website and in case no objection was received, grant a validity without asking for any other document of proof, by considering the validity granted to the father, brother and sister of the Petitioner as an important evidence.

6. In *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010(6) Mh.L.J. 401*, this position has been considered and it has been held, that in case the Genealogy and relationship is not disputed and some person in the Genealogy has been granted validity then the claim of the persons in Genealogy ought not

to be denied.

7. In the instant matter, the impugned decision does not dispute the grant of validity to the father, brother and sister of the Petitioner. It also does not disputed, that the validity in favour of the brother and sister of the Petitioner were after due vigilance. In that view of the matter, considering the requirement of explanation (3) of Rule 16 of the Rules of 2012, the denial of validity by the Committee to the Petitioner, is clearly not justified, till such time the validity in favour of the father, brother and sister of the Petitioner holds the field.

8. The Committee has not taken any action *vis-a-vis* the validity granted to the father, brother and sister of the Petitioner, which still hold the field in view of which, we do not see any reason to sustain the impugned decision. The same is hereby quashed and set aside and the Committee is directed to issue the certificate of validity to the Petitioner of belonging to 'Mana' Scheduled Tribe. The same shall be done within a period of four weeks from today.

9. The Petition is accordingly **allowed** in the above terms. No costs.

10. Pending application/s, if any, shall stand disposed of accordingly.

(AVINASH G. GHAROTE, J.)

(CHIEF JUSTICE)