



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5924 OF 2022

Ku. Shradha d/o. Gautam Gadmade
 Aged about 24 years, Occ. Student,
 R/o. Plot No. 104 Dravesh Apartment,
 Khangar Layout, Matoshri Nagar,
 Wanadongari, Hingna Road, Nagpur. **PETITIONER**

Versus

1. The State of Maharashtra through its Principal Secretary Higher Education Department Maharashtra State Mantralaya Mumbai.
2. The Schedule Tribe Certificate Scrutiny Committee Nagpur Division Nagpur, through its Joint Commissioner.
3. Rashtrasant Tukdoji Maharaj, Nagpur University, through its Vice Chancellor.
4. Sub-Divisional Officer, Darwha, District Yavatmal.
5. Scheduled Tribe Certificate Scrutiny Committee, Yavatmal (Division Amravati), Yavatmal.

RESPONDENTS

 Mr. A.M. Sudame, Advocate for the Petitioner.
 Mr. A.M. Kadukar, AGP for the Respondent Nos. 1,2,4 & 5/State.
 Mrs. S.S. Jachak, Advocate for the Respondent No.3.

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

DATED : 18th MARCH, 2025

ORAL JUDGMENT :- (PER : AVINASH G. GHAROTE, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally, with the consent of the learned Counsels, appearing for the rival parties.

3. The Petition questions the decision of the Scrutiny Committee dated 24.08.2021, whereby the claim of the Petitioner of belonging to 'Mana' Scheduled Tribe, has been turned down.

4. The genealogy at page 20 in the impugned decision is not disputed. It is necessary to note, that by the impugned decision dated 24.08.2021 (page 17), the claim of the validity of three persons namely Ku. Ankita Gautam Gadmade, Ku. Shraddha Gautam Gadmade and Shri Gautam Parasram

Gadmade was jointly decided, on account of which, the relationship between these persons is not disputed. The Petitioner/Shradha and her sister Ankita are the daughters of Gautam Parasram Gadmade.

5. It has been brought to our notice, which is not disputed by the learned AGP for the Respondent Nos. 1, 2, 4 and 5/State, that the impugned decision dated 24.08.2021 was challenged at the behest of Ku. Ankita Gautam Gadmade in Writ Petition No. 5102/2021, Ku. Ankita Gautam Gadmade Vs. The State of Maharashtra & Ors., in which by the judgment dated 12.10.2022, the same was set aside and the learned Division Bench of this Court directed the Scrutiny Committee to issue validity certificate to the Petitioner therein that she belongs to 'Mana' Scheduled Tribe.

6. Another challenge by Gautam Parasram Gadmade, the father of the Petitioner in Writ Petition No. 5832/2022 also came to be accepted by the judgment dated 02.02.2024, whereby the impugned decision came to be set aside and the claim of the father of the Petitioner Gautam Parasram Gadmade

belonging to 'Mana' Scheduled Tribe came to be accepted.

7. Learned AGP for the Respondent Nos. 1, 2, 4 and 5/State, does not dispute these two judgments.

8. It is also not in dispute, that the brother of the Petitioner namely Gauresh Gautam Gadmade has also been granted validity by the Committee on 29.07.2009 (page 41).

9. In view of the above position, considering the mandate of Rule 16(c) 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, it was not permissible of the Committee to ignore the same and deny the claim of the Petitioner.

10. That being the position, the impugned decision is hereby quashed and set aside and the Committee is directed to grant a Certificate of Validity to the Petitioner of belonging to 'Mana' Scheduled Tribe within a period of two weeks from today.

11. The Petition is accordingly **allowed**.
12. Rule is made absolute in the above terms. No costs.
13. Pending applications, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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