



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

WRIT PETITION NO. 645 OF 2024

(Ku. Archana Bhaurao Nemade Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and anr)

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

Court's or Judge's orders

Mr. P.R. Parsodkar, Advocate for petitioner,
Mr. Abhay Sambre, Advocate for respondent No. 2,
Mr. A.A. Madiwale, AGP for respondent No. 1/State.

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

DATED : 27-02-2025

Learned AGP, based upon the genealogical tree in the original record which has been produced for our inspection does not dispute, that the cousin brother of the petitioner namely Kishor Nemade has been granted validity by this court by its judgment dated 23.7.2020 in Writ Petition No. 6312/2018 (p53). It is also not disputed that the documents considered for the grant of validity in the judgment dated 23.7.2020 are also the same documents which have been relied upon by the petitioner, in support of her claim of belonging to Thakur Scheduled Tribe. The relationship between the petitioner and Kishor Pralhad Nemade of being cousins is also not disputed.

2. The denial is on the ground, that the vigilance has given an opinion that the entry in the name of Pralhad in the school register indicating his date of birth as 5.7.1941, in contrast to the date of birth of Pralhad which is claimed to be 11.12.1940 creates a suspicion, so also, the entry in respect of Bhaurao regarding date of birth in his school register dated

1.7.1936 as what is claimed to 29.6.1936 creates suspicion. A perusal of the entries in paragraph no. 4 would indicate that the earliest entry is of Suryabhan Thakur recording a son born to him in the register of Birth and Death is of 17.2.1919 (p107). The relationship between Suryabhan and the petitioner is not disputed by the learned AGP. That being the position, merely on the basis of suspicion of two entries out of 23 entries as recorded in the table, in para 4 of the impugned decision, the claim cannot be rejected. It is also not disputed that Kishor Pralhad Nemade, the cousin of the petitioner has been granted validity by this Court by the decision dated 14.2.2020 in Writ Petition No. 6312/2018 (p53) and so also, Tanushri Kishor Nemade the cousin niece of the petitioner has also been granted validity by this Court by the judgment dated 26.8.2022 in Writ Petition No. 2072/2022. In view of what has been held in ***Apoorva d/o Vinay Nichale vs Divisional Caste Certificate Scrutiny Committee No.1 and others (2010(6) Mh.L.J. 401*** and explanation 3 to Rule 16 of the Caste Verification Rules which have been held to be applicable for the purpose of granting tribe validity certificates by the Full Bench in ***Maroti Vyankati Gaikwad Vs. Dy. Director and Member Secretary, The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (AIR ONLINE 2023 BOM 1849)***, we do not see any reason to sustain the impugned decision by the Scrutiny Committee denying the claim of the petitioner of belonging to Thakur Scheduled Tribe.

3. As a result, impugned order dated 11.12.24 passed by the Scrutiny Committee, Yavatmal rejecting the claim of petitioner of belonging to Thakur Scheduled Tribe is hereby

quashed and set aside and the petition is allowed by directing the Scrutiny Committee to grant validity certificate to the petitioner of belonging to Thakur Scheduled Tribe within a period of 4 weeks. The petition is allowed in above terms. No costs. Original record is returned back to the learned AGP.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede