



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

WRIT PETITION NO.6874/2019

(Miss. Sonu Wasudeo Jambhule Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Gadchiroli and others)

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

Court's or Judge's orders

Mr. Ananta Ramteke, Advocate for the petitioner.

Ms. S.S. Jachak, Additional Government Pleader for respondent Nos.1 and 4.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 12.2.2025.

Heard.

2. Vide impugned order dated 4.5.2018 the petitioner's claim for issuance of validity as that of belonging to 'Mana' Scheduled Tribe came to be rejected.

3. The order impugned is questioned on the ground that the real brother of the petitioner viz. Sanjay Wasudeo Jambhule was issued a validity certificate as that of belonging to 'Mana' Scheduled Tribe vide certificate dated 12.7.2007 based on the Supreme Court decision in Civil Application No.5270/2004. It is alleged that once the blood relative is granted validity, the respondent Committee ought to have granted validity to the petitioner in view of the law laid down by the Division Bench in the matter of Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others reported in **2010(6) Mh.L.J. 401**. Further contention of the petitioner is even if the real brother of the petitioner was granted validity in absence of vigilance cell report, the only option open to the

Committee was to approach the appropriate forum for cancellation of the validity of Sanjay which the Committee has not done. In such an eventuality, certificate issued in favour of Sanjay is binding on the Committee and as such, the validity to the petitioner ought not to have been rejected on the ground of absence of vigilance cell enquiry in the matter of real brother Sanjay. Further contention of the petitioner is that all the documents placed on record depict the entry of 'Mana' and as such, the documents are in relation to blood relatives of the petitioner. In absence of there being any adverse entry, it is not open for the Committee to infer that the entries in the documents viz. 'Mana' cannot be considered for deciding the claim of the petitioner as that of belonging to 'Mana' Scheduled Tribe as the Committee cannot interpret the entries which are incorporated by the Scheduled Tribe Order.

4. As against above, learned Additional Government Pleader would oppose the prayer based on the various judgments which are referred to in the impugned order. According to her, the Committee is required to believe the affinity test and based on the same, the Committee has reached to a conclusion that the petitioner does not belong to 'Mana' Scheduled Tribe. Her further contentions are that admittedly, the validity was granted to Sanjay, real brother of the petitioner, without there being any vigilance cell enquiry and as such, the said validity certificate is rightly held to be not binding. Learned Additional Government Pleader would invite our attention to the order passed by the Court in Writ Petition No.4645/2019 in the matter of Purushottam Bhagwan Gaikwad so as to claim that the vigilance cell enquiry is mandatory.

5. We have considered the rival claims.

6. Even if the caste validity certificate was issued in favour of the real brother of petitioner based on the order of the Apex Court in Civil Application No.5270/2004 which is referred to in the impugned order it cannot be said that said validity will not be binding on the Committee *qua* the claim of the petitioner.

7. Merely because in the case of real brother the vigilance cell enquiry was not conducted, however, the Committee has issued such certificate based on the order of the Apex Court on C.A. No.5270/2004 and in case if the Committee was not in agreement with the claim of the petitioner to be at par with the claim granted in favour of real brother Sanjay, the only option left before the Committee was to re-open the case of validity of Sanjay before the appropriate authority under whose order such validity was granted. The respondent Committee has failed to take such proceedings in the matter of validity certificate issued to Sanjay, real brother of the petitioner. That being so, the validity granted in favour of Sanjay having been attained finality, will bind the respondent Committee *qua* other blood relatives.

8. Once relation between the petitioner and Sanjay being real brother and sister is not disputed on record by the Committee, the Committee is duty-bound to follow the said validity certificate.

9. Apart from above, on facts, findings recorded by the Committee, in our opinion, also warrants interference. The Committee has considered the documents in respect of the tribe claim produced by the petitioner. All the documents depict entry of 'Mana' Scheduled Tribe. The Committee has reached to a conclusion that

these entries would not support or substantiate the claim of the petitioner as that of belonging to 'Mana' Scheduled Tribe as the entries of 'Mana' in the aforesaid documents of the caste/tribe 'Mana' cannot be said to be conclusive one.

10. While drawing such conclusion, the least that was expected of the Committee, was to record reason as to why the Committee is disbelieving the said entries. Hence rejection of the claim of the petitioner based on the entries in the caste/tribe coloumn of the blood relatives of the petitioner cannot be said to be justified. That being so, it has to be held that the petitioner belongs to 'Mana' Scheduled Tribe.

11. The order impugned passed by the respondent Committee on 4.5.2018 is hereby quashed and set aside. The petitioner be issued validity certificate within four weeks from today. The petition stands allowed accordingly.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)