

(2017) 07 BOM CK 0264
In the Bombay High Court
Case No : 2405 of 2008

Bhuwaneshwari Chandrashekhar Diwan

APPELLANT

Vs

The Scheduled Tribe Caste Certificate Scrutiny Committee, &
Anr.

RESPONDENT

Date of Decision : 18-07-2017

Acts Referred:

Citation : (2017) 07 BOM CK 0264

Hon'ble Judges : R. K. Deshpande, Swapna Joshi

Bench : DIVISION BENCH

Advocate : R.S.Parsodkar, N.S.Rao

Final Decision : Allowed

Judgement

1. The claim of the petitioner for "Mana - Scheduled Tribe" category has been invalidated by the Scrutiny Committee by an order dated 20.12.2007, which is the subject matter of challenge in this petition.
2. Heard Shri Parsodkar, the learned counsel for the petitioner and Shri Rao, the learned Assistant Government Pleader for Respondent No.1.
3. The order records the finding that the school entries in respect of the applicant's grand father and father show their caste as "Mana" in the year 1936 and 1942 respectively. However, it is not clear from these entries as to whether it is "Mana Scheduled Tribe". The Committee holds that the applicant obtained caste certificate of "Mana - Scheduled Tribe" in the year 2005 for the first time on the basis of decision of this Court in Mana Adim Jamat Seva Mandal vrs. State of Maharashtra, reported in 2003 (3) Mh.L.J. 513. The Committee holds that the affinity with "Mana" has not been established.
4. We find that the order is totally cryptic. The documents of preconstitutional period have not been considered by giving its probative value. There is nothing in the order of the Committee to show that the documents of the year 1936 and 1973 produced by the petitioner are either fabricated or fraudulent. The affinity

is required to be establish with "Mana Scheduled Tribe", which is not a subtribe of "Gond". The Committee is, therefore, required to pass a detailed order disclosing the reasons on the basis of which the finding is recorded. The order cannot, therefore, be sustained and it will have to be set aside with an order of remand.

5. In the result, writ petition is allowed. The order dated 20.12.2007 passed by the said Committee is hereby quashed and set aside. The matter is remanded back to the said Committee to decide the caste claim of the petitioner for "Mana - Scheduled Tribe" afresh in accordance with law. Needless to say that the petitioner shall be given an opportunity of being heard in the matter in accordance with the Rules. The petitioner to appear before the Committee on 28.08.2017. The Committee to decide the matter within a period of one year thereafter. No order as to costs.