

(2022) 08 BOM CK 0059
In the Bombay High Court
Case No : Writ Petition No. 2772 Of 2022

Sakshi Suresh Dhadse And Others

APPELLANT

Vs

Scheduled Tribe Caste Certificate Scrutiny Committee

RESPONDENT

Date of Decision : 26-08-2022

Acts Referred:

Citation : (2022) 08 BOM CK 0059

Hon'ble Judges : A. S. Chandurkar, J;Urmila Joshi - Phalke, J

Bench : Division Bench

Advocate : P.R. Parsodkar, S.S. Jachak

Judgement

A.S. Chandurkar, J

1. RULE. Rule made returnable forthwith and heard the learned counsel for the parties.
2. The petitioners are aggrieved by the common order passed by the Scrutiny Committee on 14/12/2021 invalidating their tribe claim of belonging to 'Mana' Scheduled Tribe.
3. It is submitted by the learned Counsel for the petitioners that insofar as petitioner Nos. 2 and 3 are concerned, their real sister has been issued validity certificate pursuant to the judgment of this Court in Writ Petition No. 5725/2018 decided on 6/9/2018 (Pratiksha d/o Bandu Dhadse Vs. The Scheduled Tribes Caste Certificate Scrutiny Committee, thr. its Member Secretary, Amravati & Ors.). It is further submitted that petitioner Nos. 1 and 4 are the cousins of the said petitioner in Writ Petition No. 5725/2018. Inviting attention to the impugned order, it is submitted that despite relying upon the oldest document of the year 1909, the Scrutiny Committee has disregarded the same and has also not given due weightage to the validity certificate.
4. The learned Assistant Government Pleader for the respondent supported the impugned order and submitted that after giving due opportunity to the

petitioners, their claim was invalidated.

5. It is not in dispute that the real sister of petitioner Nos. 2 and 3 has been held to be belonged to 'Mana' Scheduled Tribe by this Court in Writ Petition No. 5725/2018. The relationship of petitioner Nos. 1 and 4 with the said petitioner is also not in dispute. The old entries referred to the word 'Mana' and hence we find that the petitioners would be entitled to the benefit of the earlier adjudication.

6. Hence, for the reasons assigned in the judgment in Writ Petition No. 5725/2018 and by applying the ratio of the decision in Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others [2010(6) Mh.L.J. 401], the following order is passed :

i. The common order dated 14/12/2021 passed by the Scrutiny Committee is set aside.

ii. It is declared that each petitioner has proved that he/she belongs to 'Mana' Scheduled Tribe. Within a period of four weeks from receipt of copy of this judgment, the Scrutiny Committee shall issue validity certificates to the petitioners.

iii. Rule is made absolute in the aforesaid terms. No costs.