



(1)

WP-4340-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4340 OF 2026

Ku. Dnyanada Poshetti Gonelwar

Age: 17 years, Occu: Student

Through its Natural Guardian father

Poshetti Jayaram Gonelwar

Age: 43 years, Occu; Service

At post Kundalwadi Tal. Biloli,

Dist. Nanded.

...PETITIONER

VERSUS

1. The State of Maharashtra

Through its Secretary

Tribal Development Department,

Mantralaya, Mumbai-32.

2. The Scheduled Tribe

Certificate Scrutiny Committee,

Kinwat-1, Division Aurangabad,

Through its Member Secretary.

3. The Sub-Divisional Officer,

Biloli, Nanded, Maharashtra.

...RESPONDENTS

.....
Mr. Mohanish V. Thorat i/by Mr. S. G. Jayewar, Advocate for Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1 to 3-State.
.....

CORAM

: KISHORE C. SANT &

AJIT B. KADETHANKAR, JJ.

RESERVED ON

: 24th JULY 2026.

PRONOUNCED ON

: 16th SEPTEMBER 2026.

ORDER :- [PER:- KISHORE C. SANT, J.]

1. Heard Mr. Thorat i/by Mr. Jayewar, the learned Advocate for the petitioner, and Mr. Shinde, learned AGP for Respondent Nos. 1 to 3/State. By consent of the parties, the petition is taken up for final disposal at the stage of admission.
2. By way of this writ petition, the petitioner has challenged the Judgment and Order dated 01/04/2026 passed by the Respondent No.2/the Scheduled Tribe Certificate Scrutiny Committee Kinwat-1, Division, Aurangabad (hereinafter referred to as the “*Committee*”), thereby invalidating the tribe claim of the petitioner as belonging to “Mannervarlu” Scheduled Tribe and seeking a direction to Respondent/Committee not to take any coercive action against the petitioner.
3. Respondent No.1 is the State. Respondent No.2 is the Scrutiny Committee, which invalidated the tribe claim of the petitioner and Respondent No.3 is the Sub-Divisional Officer, who issued the tribe certificate in favour of petitioner as a person belonging to Scheduled Tribe.

4. It is the case of the petitioner that she belongs to Scheduled Tribe category. In support of her claim, she submitted documents before the Committee. Though there are validity certificates issued in favour of near blood relatives of the petitioner, still the Respondent/Committee has wrongly decided her claim. Whereas in its judgment, the Respondent/Committee has observed that the petitioner failed to prove her caste status. The entries in the caste column of school records, most of the relatives/blood relatives of the petitioner, are fabricated by adding letter “लू” where the caste was originally shown as “मनेरवार”. It is further held that the petitioner failed to satisfy the affinity test, genealogy etc. and thereafter the Respondent/Committee rejected the claim.

5. Being aggrieved and dissatisfied with the order dated 01/04/2026 passed by the Respondent/Committee, the petitioner approached before this Court.

6. Mr. Thorat, the learned Advocate for the petitioner, vehemently argued that the near relatives of the petitioner namely, Vijay Gonelwar, Sanjay Gonelwar and Laxman Gonelwar have received validity

certificates. In spite of this position, the Respondent/Committee discarded that evidence. The Respondent/Committee erred in not considering their validity certificates properly. He submits that in the case of Vijay Rajenna Gonelwar, this High Court has passed a judgment reported in [2025 (6) Mh.L.J. 581] wherein his writ petition came to be allowed, directing the Respondent/Committee to issue validity certificate. Still, the Respondent/Committee did not rely upon the said judgment. In the case of petitioner's father, i.e. Poshetti Jayram Golewar, the caste is shown in the school records as "मन्नेरवारलू". His validity certificate was issued by the Committee without any condition. There is already validity granted. The Vigilance Cell has conducted the common inquiry for Sanjay, Vijay and Laxman. He thus prayed that the petition deserves to be allowed by quashing and setting aside the impugned order.

7. Mr. Shinde, the learned AGP, on the other hand, vehemently opposed the petition. He points out the discussion and reasoning recorded by the Respondent/Committee in its judgment. He submits that

in the cases of Shankar Babanna Gonelwar and Hanmant Tukaram Gonelwar, cousin uncles who are shown in genealogy, the caste entries in their school records are shown as “मन्नेरवारलू”. However, in the case of Shankar Gonelwar, the word “लू” is added in different handwriting. So far as school record of Hanmant Gonelwar is concerned, the entry was given only on the basis of transfer certificate, and therefore those entries are not rightly considered. One Rajaram Gonelwar also happen to be in relation to the petitioner. In his sale-deed, he clearly mentioned that he does not belong to Scheduled Tribe. This Rajaram is found in the genealogy. So far as Laxman Gonelwar, a cousin brother is concerned, his caste in the school records is shown to be “बुरुड”. Similarly, the school records of another cousin brother of petitioner namely, Sanjiv Poshetti is shown to be “Padmashali” in Zilla Parishad Primary School Kundalwadi, Tal. Biloli Dist. Nanded. He thus submits that the petitioner’s claim is rightly rejected by the Respondent/Committee. This Court had also called for original record in respect of petitioner from the office of the Respondent/Committee.

8. We have heard the parties at length. Perused the petition papers and records produced by the Respondent/Committee during the course of arguments. It is seen from the record of Zilla Parishad School Kundalwadi that the caste of Sanjiv Gonelwar is shown to be "Padmashali". The said certificate is certified by the Headmaster of the said school. In the case of Shankar Bapanna Gonelwar, the Headmaster of the said school has certified the entry with endorsement in the caste column that, the original word appears to be "मनेरवार" wherein word "न" is inserted after the word "म" and word "लू" is inserted after the word "र". This entry is found to be false and fabricated.

9. So far as entry in the school records of Shankar is concerned, the copy of extract of the register of school admission is shown that in the caste column, the original word is "मनेरवार" which appearing to have been made as "मन्नेरवारलू".

10. In the case of Laxman Poshetti Gonelwar, the copy of extract from register of school namely, Zilla Parishad Primary School certified by the Headmaster that in the said extract, caste of Laxman Gonelwar is shown

to be "बुरुड". So far as sale-deed No.1640/2003 executed by Rajaram s/o. Rajanna Gonelwar is dated 28/04/2003, there is a clear mention that he does not belong to a Scheduled Tribe. This is required as there is bar against selling of land by a person belonging to Scheduled Tribe to person who is not a Scheduled Tribe person. The said bar is under Section 36 of the Maharashtra Restoration of lands to Scheduled Tribe Act. There is also provision wherein the land of person belonging to Scheduled Tribe is sold, then he can make an application for restoration of the land under the said Act. Thus, all the entries which are discussed above, are the contra entries. There is no satisfactory answer as to why these entries are shown as Mannerwar, Burud, Padmashali etc. It is clear that all the entries, including the entry of father, showing the caste as Mannerwarlu are after 1982. From the entries in the caste column of cousins namely Laxman Gonelwar and Sanjiv Gonelwar, caste is shown as Burud and Padmashali, respectively in the school records.

11. Learned Advocate for the petitioner, during the course of arguments, relied upon the judgment in the case of *Sayanna Vs. State of*

Maharashtra and Ors.¹ wherein this Court has distinguished the present case on the case of ***Sayanna*** (supra). In that case, the Hon'ble Apex Court held that when the entries appear to have been manipulated or fabricated that itself is not sufficient to deny the claim. When it is not shown that the claimant himself fabricated or manipulated the entry, as the record is in possession of the school, the claim cannot be rejected on that ground alone.

12. This Court also has considered the case of ***Sayanna*** (supra) in the judgment of this Court in ***Shubham Sharad Mahandule Vs. State of Maharashtra and Ors.***². In that case, there was no any other evidence or the expert opinion to show that there is overwriting or manipulation in the entry.

13. This Court considered Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000, which reads as under:

1 2009 (10) SCC 268

2 WP/4704/2023 (Aurangabad)

*“8. **Burden of proof.**- Where an application is made to the Competent Authority under section 3 for the issue of a Caste Certificate in respect of Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category and in any enquiry conducted by the Competent Authority and Scrutiny Committee or the Appellate Authority under this Act or any trial of offence under this Act, the burden of proving that the person belonged to such Caste, Tribe or Class shall be on such claimant applicant.”*

14. It is thus clear that when there is burden on the person claiming to be a person belonging to Scheduled Tribe, he has to give unimpeachable evidence. It is not that the burden is on the committee to show that the said entry is fabricated, manipulated etc. by the claimant or on his behalf. With respect to the case of **Sayanna** (supra), this Court finds that this case would not behind any help to the petitioner. In the present case there are various contra entries. In the case of **Sayanna** (supra) the Hon'ble Apex Court specifically observed that it was only an opinion of the vigilance committee members that entry was manipulated. There was no any other material to show that the entry was in fact manipulated. In the present case, the committee has specifically discussed about the entry. It is only upon that the committee has concluded that the entry is manipulated.

15. In the present case, there is also copy of the entries which are certified by the Headmaster of the school in the record clearly stated that "मन्नेरवारलू" is made by adding slanting line on "न" alphabet and "लू" is added after letter "र".

16. A further factor from the records which is undisputed is that in the sale-deed dated 28/04/2003, it is clearly written that the vendor does not belong to Scheduled Tribe. The document is executed before the Registrar and therefore there is no reason to disbelieve the same.

17. So far as a case of *Vijay Rajenna Gonetwar* (supra) is concerned, this Court had granted validity, but the same is conditional. The judgment also clearly observes that the said certificate shall be subject to outcome of the re-verification of the caste validity of his blood relative. There is a clear stipulation that petitioners shall not claim any equity. It is further recorded that the petitioner undertakes to co-operate with respondent No.2/Committee as and when caste scrutiny committee reopens their caste claim. This order clearly shows that even this Court though granted validity has granted only in view of earlier validity. The said validity is not granted unequivocal terms.

18. Thus, considering contra entries in the records, the sale-deed and the fact that the word “मन्नेरवारलू” is a result of manipulated overwriting, this Court finds that the Committee has rightly appreciated all these facts. No interference is called for at the hands of this Court. Petition therefore stands dismissed.

[AJIT B. KADETHANKAR, J.]

[KISHORE C. SANT, J.]

D.A.ETHAPE