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921-WP-9694-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9694 OF 2026

Sumit s/o. Santosh Tadewad

Age: 18 years, Occu: Education,
R/o. At Pardi J. Post- Himayatnagar,
Tal. Himayatnagar, Hamlet,
Dist. Nanded-431802.

...Petitioner

VERSUS

1. The State of Maharashtra

Through its Secretary to Tribal Development
Department, Mantralaya Mumbai-32.

2. The Deputy Director or Member Secretary,

The Schedule Tribe Certificate
Scrutiny Verification Committee,
Kinwat, Head Quarters,
Chhatrpati Sambhajnagar.

...Respondents

.....
Mr. C. D. Biradar, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 & 2-State.
.....

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

RESERVED ON : 03rd SEPTEMBER 2026.

PRONOUNCED ON : 07th SEPTEMBER 2026.

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

1. Heard Mr. Biradar, learned Advocate for the petitioner and Mr.
Pulkundwar, learned AGP for Respondent Nos. 1 and 2/State.

2. The present writ petition is filed by a student whose caste/tribe validity proposal is rejected by the Respondent No.2/Committee as being a person not belonging to Scheduled Tribe, “Mannervarlu (27)”.

3. The caste certificate was issued to the petitioner by the learned Sub-Divisional Magistrate, Hadgaon, Dist. Nanded. His proposal was sent by this college through Principal, Hutatma Jayvantrao Patil Girl School and Junior College, Himayatnagar, Dist. Nanded, for getting certificate validated. The Committee vide Judgment and Order dated 27/07/2026 has refused to accept the tribe claim of the petitioner.

4. Since the petitioner happens to be a student and he has hope to get an admission against the seat reserved for Scheduled Tribe candidate, he prays for an early hearing of this petition. Therefore, the petition is taken up for final disposal by consent of the parties at the stage of admission.

5. The facts in short are that the petitioner claimed to belonging to “Mannervarlu”, Scheduled Tribe. There are some validity certificates granted in favour of his relatives. The petitioner produced voluminous documents before the Committee in support of his claim. The

Respondent/Committee, however, found many contra entries in the the records. So far as affinity test is concerned, the respondent/Committee held against the petitioner, holding that the petitioner failed to prove his affinity with the scheduled tribe. The validity certificates on which the petitioner relied has been obtained by suppressing material facts, etc. that is why the petitioner is before this Court.

6. Mr. Biradar, the learned Advocate for the petitioner, vehemently argued that the respondent/Committee failed to appreciate the voluminous material produced by the petitioner in support of his caste claim. The Respondent/Committee gave unnecessary importance to entries of some other relatives whose caste is shown to be "मुनरवार" or "मुनरवाड". There are entries in the caste column of many relatives of the petitioner wherein the caste is shown to be "Mannervarlu". The respondent/Committee did not appreciate the copy of sale-deed executed by his grandfather namely, Govind Kondba Tadewad, wherein his caste is shown to be "Mannervarlu". The said sale-deed is dated 04/05/1954. This valuable document is not considered. The sale-deed of some other relative is considered by the

Committee wherein there was a statement that the land owner is not belonging to Scheduled Tribe. This was also relied upon by Digambar Govindrao Tadewad. He also submits that the said statement was made in the sale-deed only to see that there is no bar under the provision of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1975. Since the said statement was made only for the purpose of sale-deed, the same could not have been used against the petitioner. On these grounds, he submits that the impugned judgment and order passed by respondent/Committee deserves to be quashed and set aside by directing Committee to issue validity certificate in favour of the petitioner as belonging to Scheduled Tribe.

7. During the course of argument, learned Advocate for the petitioner relied upon following judgments :

- (i) *Anil s/o. Dattatraya Kusare Vs S. T. Caste Certificate Scrutiny Committee Yawatmal.*¹;
- (ii) *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Ors.*²;
- (iii) *Krish s/o. Anand Kumbhare Vs. Union of India and Ors.*³;
- (iv) *Yogesh Madhav Makalwad Vs. The State of Maharashtra and Ors.*⁴;

1 2025 (2) Mh.L.J. 198

2 (2012) 1 SCC 113

3 2026 (2) Mh.L.J. 667

4 SLP (C) No.27410/2024

- (v) *Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and Ors.*⁵;
- (vi) *Sauravkumar s/o. Sunilkumar Katole Vs. Scheduled Tribe Certificate Scrutiny Committee*⁶;
- (vii) *Sayanna Vs. State of Maharashtra and Ors.*⁷;
- (viii) *Narendra Gopalrao Nadge Vs. The Scheduled Tribe Certificate Scrutiny Committee Amravati and Ors.*⁸;
- (ix) *Shruti Sayanna Gudlawar Vs. The State of Maharashtra and Ors.*⁹;
- (x) *Nikhil Suryakant Padalwar Vs. State of Maharashtra and Ors.*¹⁰;
- (xi) *Karewwa and Ors. Vs. Hussensab Khansaheb Wajantri and Ors.*¹¹;
- (xii) *Jagdish Singh Vs. Balwant Singh*¹².

8. Mr. Pulkundwar, learned AGP appearing for Respondent/State vehemently opposed the petition. He submits that the Committee has rightly considered the documents on record. The petitioner failed to prove his tribe status by showing entries of pre-constitution era. The sale-deed dated 04/05/1954 is a private document. His statement in the said documents cannot be relied upon, whereas the sale-deed executed by his near relative namely, Digambar Tadewad clearly made

5 2010 (6) Mh.L.J. 401

6 2025 (6) Mh.L.J. 354

7 (2009) 10 SCC 268

8 WP/5812/2022 (Nagpur)

9 WP/11366/2022 (Aurangabad)

10 WP/5349/2019 (Bombay)

11 AIR 2002 SC 504

12 Civil Revision/295/2002 on 21.05.2003

a statement in the sale-deed that he does not belong to scheduled tribe category. The validity certificates relied upon by the petitioner are obtained by suppressing material facts. The caste shown in the records of his real uncle, real brother, cousin sisters and one another uncle is recorded as "मुनरवाढ", "मुनरवाड" and "मुन्नरवाड". The entries showing the caste in respect of his cousin sisters, cousin aunt etc. are all after 1978 and thus, those cannot be relied upon. So far as affinity test is concerned, the Committee has also rightly appreciated the evidence. He thus prays for dismissal of this writ petition.

9. Learned AGP relied upon the following judgments:

- (i) *Ketaki Bhumayya Muttepod Vs. The State of Maharashtra and Anr.*¹³;
- (ii) *Dalip Singh Vs. State of Uttar Pradesh and Ors.*¹⁴.

10. This Court has gone through the petition papers and also perused the files of the petitioner and the orders passed by the Committee. This Court has verified the material documents which were produced by the petitioner and respondent before this Court.

11. Considering the submissions and other material, this Court needs only to check as to whether the petitioner has proved his tribe

¹³ WP/11751/2025 (Aurangabad)

¹⁴ (2010) 2 SCC 114

to be scheduled tribe? and whether the respondent/Committee has rightly deny the said claim of the petitioner?

12. The respondent/Committee has passed common judgment wherein the present petitioner is Applicant No. Aapplicant No.2 whether has challenged the impugned judgment is not clear.

13. In the submissions of learned Advocate Mr. Biradar, as stated above, there is one validity certificate granted in the case of Arvind Ramrao Tadewad. However, it appears to be from the maternal side. This submission is opposed by the learned AGP by showing entry in the case of Anand Yadu Tadewad, real brother, whose caste is shown to be "मुनरवार" in the school records when he was admitted to school on 20/06/1966. His uncle namely, Vithhal Ramji Tadewad is recorded as "मुनरवाढ" in the school register when he was admitted on 20/11/1961. It is seen that same is the case with his cousin sister namely, Vachhala Tadewad and Jijabai Tadewad, who are shown to be "मुनरवाड" and "मुन्नरवाड" in the entries in the Zilla Parishad Primary School, Pardi, Tal. Himayatnagar Dist. Nanded where they took admission on 20/11/1961 and 01/07/1967, respectively. It is only after 1978 that his relatives are shown to be belonging to

Mannervarlu. This Court thus finds that there are contra entries in respect of near relatives. It is very interesting to note that his father's school entries were not shown by the petitioner.

14. So far as sale-deed executed by Digambar Govindrao Tadewad, who is admittedly blood relative of the petitioner, is concerned, he has clearly made a statement that he does not belong to scheduled tribe. Though it is tried to argue that this statement was made to avoid the bar under the Maharashtra Restoration of Lands to Scheduled Tribes Act, such contention cannot be accepted. A person cannot blow hot and cold at the same time. Considering that statement alongwith other evidence i.e. contra entries, there is no scope to believe that the said statement is made only to avoid the legal bar.

15. The Committee has considered the files of other persons on whose validity certificates the petitioner has relied. The Committee considered the file of Arvind Ramrao Tadewad, Sachin Anandrao Tadewad, Nitin Anandrao Tadewad and Ramesh Yadavrao Tadewad. The validities issued in the name of these three persons is of 2005 and validity issued in the name of Ramesh Tadewad is of the year 2007. The Committee considered the entries in the school records of those

persons which were suppressed. In the case of Anand Yadu Tadewad, his caste is shown to be "मुनरवार" in the Zilla Parishad Primary School, Pardi. The said entry is dated 20/06/1966. This Anand Tadewad happens to be father of Nitin and Sachin Tadewad.

16. So far as Arvind Tadewad is concerned, his entry in the school is of 1984 wherein the caste is registered as "मुन्नरवारलू". This Court thus finds that the Committee has rightly appreciated that those validities would not help the petitioner.

17. It is also seen from the record that notices are already issued to Arvind Tadewad and inquiry is held and his file is closed. In the cases of Sachin, Nitin and Ramesh Tadewad, already in their cases, show cause notices are issued. Thus, considering all above, this Court finds that all the validity holders on whose validities the petitioner has relied are under cloud of doubt.

18. So far as sale-deed by the grandfather prior to independence is concerned, the learned AGP has shown that original of sale-deed is not available in the records as revealed in enquiry. Now, only copy of sale-deed is produced by the petitioner. The only argument is that the document is thirty years old document and therefore, it will have to

be accepted as genuine. This submission cannot be accepted as present case is not about the sale-deed and is about the caste status. As it is original record of the said sale-deed is not traced anywhere in record.

19. It is also pointed out by the learned AGP during the course of arguments that the basic validity is of Arvind Tadewad, which was granted by relying upon the validity of one Venktesh Kisanrao Kansatwad, who happens to be son of aunt of petitioner and this cannot be said to be a relative from father's side.

20. The judgments relied by the petitioner are discussed below:

21. In the case of *Anil Dattatray Kusare* (supra), in the said case, the documents pertaining to great grandfather, grandfather and cousin grandfather of the petitioner therein were considered, wherein their caste was recorded as "Halbi". There was no dispute raised about the authenticity of the those documents and entries made therein. It was neither disputed by the Committee nor by the vigilance cell. In the said case, the Court held that the said documents cannot be disputed and held in favour of petitioner. In the present case, the documents in respect of pre-constitutional document is only one sale-

deed executed by grandfather of the petitioner. Though the translated copy of the said document is produced on record, however, the original copy of said sale-deed could not be traced by the authorities during the inquiry.

22. So far as judgment in the case of *Anand* (supra) is concerned, the Hon'ble Apex Court considered that the caste claim needs to be considered not only on thorough examination of the documents submitted but also on the affinity test. The Hon'ble Apex Court considered various aspects as regards the affinity test. The Court held that there cannot be absolute rule to be laid down. Neither such rule can be applied mechanically to examine caste claim. In that view, the Court laid down certain broad parameters. There is no doubt about the said proposition. It is thus clear that no straight jacket formula can be laid down while considering such claims. Each case needs to be considered on the facts and the material of that case.

23. In the case of *Krish Anand Kumbhare* (supra), in the said judgment, the Division Bench of this Court at Nagpur by considering facts of that case allowed the writ petition. The said judgment is of no much help to the petitioner.

24. So far as judgment in the case of *Yogesh Makalwad* (supra) is concerned, considering the judgment in the case of *Anand* (supra), the Court, on facts of that case and on verification of the record, has allowed the Special Leave Petition directing to issue validity certificate. The said judgment is in the facts of that case. On facts in the present case, the said judgment would not be applicable.

25. In the case of *Apoorva Nichale* (supra), the Division Bench of this Court held that in normal course when there are validities granted in the families, the person should not be denied the caste status. However, in the present case, the validities on which the petitioner is relied upon have already been reopened. The basic validity itself is under cloud, and therefore, this judgment would not help the petitioner.

26. Learned Advocate for the petitioner relied upon some other judgments as well. However, on facts, this Court finds that those have no application to the present case. He also relied upon the judgment delivered by the Punjab and Haryana High Court in the case of *Jagdish Singh* (supra). It is about the custody of the documents. It is held that when the documents are coming from proper custody and is

of 30 years old, the same should be relied upon in view of Section 90 of the Evidence Act. There cannot be any dispute about the said. This Court has already discussed in the present case though the old sale-deed is tried to be relied upon investigation however, no record of the the same is not found in the records. In the case of *Karewwa* (supra), in that case, the name of respondent was recorded in the revenue record as tenant in the year 1973. By applying section 90, the said document was relied upon. However, these judgments would not help the petitioner.

27. In the case of *Nikhil Suryakant Padalwar* (supra), this Court had relied upon copy of sale-deed. The Court also considered the judgment in the case of *Apoorva Nichale* and allowed the petition. However, this case is also on facts of that case and would not help the petitioner in the present case.

28. So far as judgment relied upon by the learned AGP is concerned, in the case of *Ketaki Bhumayya Muttepod* (supra), this Court by considering the case of *Dalip Singh* (supra), had dismissed the writ petition. This Court also considered the contra entries and conduct of the petitioner and dismissed the writ petition.

29. Considering all above, this Court does not find any merit in the writ petition. The writ petition stands dismissed and disposed off accordingly.

[JITENDRA JAIN, J.]

[KISHORE C. SANT, J.]

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