IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11894 OF 2021

Rajesh s/o. Chinanna Shankrod
Age: 26 years, Occu: Nil,
R/o. Yeoti, Tq. Dharmabad,
Dist. Nanded .... Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Developments Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

3. The Principal
Lal Bahadur Shastri College
Dharmabad, Tq. Dharmabad. .... Respondents

WITH
WRIT PETITION NO. 11907 OF 2021

Chinanna s/o. Papanna Shankrod
Age: 60 years, Occu: Pensioner,
R/o. Yeoti, Tq. Dharmabad,
Dist. Nanded .... Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Developments Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate Verification Committee Aurangabad, Through its Dy. Director (R), Aurangabad. .... Respondents

WITH
WRIT PETITION NO. 11918 OF 2021

Naresh s/o. Chinanna Shankrod
Age: 22 years, Occu: Education,
R/o. Yeoti, Tq. Dharmabad,
Dist. Nanded .... Petitioner

VERSUS

1. The State of Maharashtra, Through its Secretary, Tribal Developments Department, Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate Verification Committee Aurangabad, Through its Dy. Director (R), Aurangabad.

3. The Principal Lal Bahadur Shastri College Dharmabad, Tq. Dharmabad. .... Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioners in all Petitions.
Mr. A. S. Shinde, AGP for Respondent Nos. 1 & 2.
Respondent No. 3 is served.

CORAM : KISHORE C. SANT AND AJIT B. KADETHANKAR, JJ.

Date on which reserved for order : 21st July, 2026.

Date on which order pronounced : 03rd September, 2026.

FINAL ORDER ***(PER KISHORE C. SANT, J.)*** :-

1. Heard learned advocate for the petitioners and learned A.G.P for the respondents-State.

2. None appeared for respondent No. 3 though served. Respondent No. 1 is the State of Maharashtra, respondent No. 2 is the Scheduled Tribe Caste Certificate Verification Committee and respondent No. 3 is the Principal, Lal Bahadur Shastri College, Dharmabad with whom the petitioners in W. P. No. 11894/2021 and W. P. No. 11918/2021 are taking education.

3. By consent of the parties the petitions are taken up for final disposal at the stage of admission since the original file of the case of the petitioners before the committee is received.

4. Chinanna – petitioner in Writ Petition No. 11907/2021 is father of petitioners Rajesh in Writ Petition No. 11894/2021 and Naresh in Writ Petition No. 11918/2021.

5. By way of these petitions all the petitioners have challenged a common judgment and order passed by respondent No. 2 committee dated 03.08.2021 in case Nos. 4/511/Edu/102020/171047, Nan/SER/1364/2013 and

4/511/Edu/102020/171044 alongwith two other persons. Since all these petitioners are challenging common judgment and order and they are from the same family all the petitions are taken up together.

6. The committee invalidated the respective certificates of the petitioners holding that the petitioners failed to prove their caste status as belonging to Scheduled Tribe 'Mannervarlu'. Secondly, it is held that the petitioners failed to prove the affinity with the Scheduled Tribe. While considering the documentary evidence the committee considered 95 documents in respect of applicants before committee including petitioners before the committee. The committee further considered the school record as per the report submitted by the vigilance cell. It further examined the record of other persons from the village having the same surname. It found that the caste wherever is recorded in the cases of the petitioners and the relatives, word Mannervarlu appears to have been overwritten by adding word 'Lu' (लू) to word Mannerwar.

7. So far as the affinity test is concerned, it is held that the place where the petitioners reside is not a place of persons belonging to Mannervarlu tribe. The surnames which are shown to

be of the relatives of the petitioners are not found in Mannervarlu tribe. The rituals and traditions followed in the marriage in the petitioners family are as per the Hindu rites. The Gods and Goddesses worshiped by the petitioners are not the Gods and Goddesses worshiped by persons from Scheduled Tribe Mannervarlu. The language does not match with the Scheduled Tribe and the committee delivered the judgment. The petitioners are thus before this Court.

8. This Court while issuing notice had also called for the original files in respect of the petitioners from the office of committee. Accordingly, the files are produced before this Court. While challenging the judgment the petitioners have raised various grounds that the area restrictions are now removed. The committee did not appreciate the documents properly. There is no sufficient material to connect the petitioners with the alleged overwriting in the school record. The affinity test is also wrongly conducted. Thus, on all these grounds the judgment is challenged.

9. The learned advocate Mr. Vibhute for the petitioners vehemently argued that the petitioners have shown their genealogy starting from one Chinanna who happened to be

grandfather of petitioner in Writ Petition No. 11907/2021 and great grandfather of other two petitioners. Chinanna had three children namely Papanna, Irabai and Bhudevi. Papanna had five children namely Chinanna, Rajabai, Ramesh, Laxman and Hanmalu. It is clearly shown from the genealogy that the petitioners happened to be persons belonging to Mannervarlu tribe. After conducting the vigilance inquiry, a report was submitted. The petitioners have replied to the vigilance cells' report. The said is not properly considered. There are no contra entries as such. There is nothing to show that the petitioners have done any overwriting in the school entries in respect of the record of the relatives. There is validity granted to the real sister Sharda of Naresh and Rajesh in the year 2011 by the same committee after considering the vigilance cell's report and the affinity test. Merely because in the case of Hanmalu Papanna Shankrod, brother of petitioner – Chinanna, he failed to prove his Schedule Tribe, on that ground the cases of the petitioners are reopened in absence of power to review. The case of Chinanna is reopened only in view of the judgment in Writ Petition No. 8488/2017 in the case of ***Rahul Sambhaji Admulwad Vs. State of Maharashtra And Others***. The said case was reopened in view of Writ Petition

No. 8488/2017 *(supra)*. Chinanna's case could not have been reopened. He submits that since 1987 onwards all the entries in the school record are shown to be Mannervarlu, still those are discarded merely expressing doubt about the overwriting in the entries. The validity claims are rejected as far the affinity and area restrictions. He submits that the committee's findings and observations are totally incorrect.

10. He relied upon the following judgments :

(i) ***Bankam s/o Balaji Maldode Vs. The State of Maharashtra And Others***[1].

(ii) ***Sahebrao s/o Sayanna Poradwar Vs. The State of Maharashtra And Another***[2].

(iii) ***Rushikesh Madhukar Chavan Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati with another connected petition***[3].

(iv) ***Sayanna Vs. State of Maharashtra And Others***[4].

11. The learned advocate submits that merely because the entries appear to be overwritten, unless it is shown that it is the petitioner who has done the overwriting, such entries cannot be

1 W. P. No. 9047/2020 (Aurangabad Bench).
2 W. P. No. 1624/2025 (Aurangabad Bench).
3 W. P. No. 3269/2021 (Nagpur Bench).
4 2009 AIR SCW 6173.

used against the petitioners. He thus submits that the petitions deserve to be allowed.

12. Learned A.G.P. Mr. Shinde for respondent Nos. 1 and 2 also vehemently opposes the petitions. He submits that the learned members of the committee have rightly applied their mind to the cases of each of the petitioners. The record that was produced before the committee clearly shows that in the school record there is overwriting. There is no pre-independence record submitted before the committee. The petitioners are coming from village Yeoti, Taluka Dharmabad, District Nanded where no persons from Mannervarlu Scheduled Tribe are found. In the case of Hanmalu Papanna Shankrod it was found that the validities granted earlier which Hanmalu relied upon were found to have been obtained fraudulently. In that view the case of petitioner -Chinanna was reopened. The committee has granted sufficient opportunity to the petitioners, however in spite of sufficient opportunity the petitioners failed to prove their cases and to show that the vigilance cell's report or the school record was genuine. He also invited attention of this Court to the original files. He thus prays for dismissal of the petitions.

13. This Court has heard the parties. On the basis of submissions the questions that are coming up for the consideration are i) as to whether the committee has rightly decided the claims of the petitioners. ii) whether the observations and findings in respect of school entries are correctly recorded. iii) whether the committee is right in coming to conclusion that since persons belonging to Mannervarlu tribe are not found in the village and Taluka of the petitioners that by itself is sufficient to negate to tribe claim of the petitioners.

14. While considering the judgment of the committee the committee has mainly considered the tribe certificate, school leaving certificate, caste certificate issued by the Sarpanch of the village, caste certificate issued by the Police Patil, caste certificate issued by Talathi and first page of service record of Chinanna etc. In the case of Naresh it considered the caste certificate, bonafide certificate, his affidavit, genealogy, affidavit of his sister Sharda and school leaving certificate. So far as case of Rajesh it considered caste certificate, bonafide certificate, his affidavit, affidavit of his sister namely Sharda, school leaving certificate etc. The committee also considered the school record produced

by the vigilance cell from the school of father and relatives. In the school record of Papanna Chinnu i.e. grandfather of Rajesh and Naresh entry taken is of the year 1951. Shankrod Chinanna Pappanna's entry taken is of 1968. One Hanmalu Papanna Shankrod from Zilla Parishad School showing entry of the year 1982 and the inquiry made with villagers. So far as Hanmalu's record is concerned, it is found that the record available is of the period after 1951 onwards though the school is established in the year 1929. From the Zilla Parishad school Kundalwadi, the entries from the year 1951 to 1962 are found to be in the same handwriting with the same pen. The signature is of the same headmaster. Whereas other record from the same school shown that the signatures of the Headmaster on the T.C. certificate on 26.09.1953 and 30.06.1954 are different. Some of the pages from the register are found to have been missing. The vigilance cell clearly submitted the report showing that the customs and traditions of the petitioners' family do not match with the customs and traditions of the Mannervarlu Scheduled Tribe. Various opportunities were given to the petitioners to submit say/reply to the vigilance cell's report and it is only thereafter on receipt of the reply the file was closed.

15. The committee found that the entries as showing Mannervarlu are of the years 1989 till 2018 and therefore cannot be considered. The entry in respect of Chinanna Papanna Shankrod in the school record is shown to be Munnurwar in Zilla Parishad Primary School at Yeoti. In the case of Laxman Papanna Shankrod i.e. brother of Chinanna Papanna Shankrod, entry is shown to be Munurwad. These entries are taken from T.C. book. So far as entries in the name of other relatives are concerned those showing their tribe to be Manervarlu are the entries during the period from 1968 to 1976 which appear to have been manipulated. There is overwriting as Mannervarlu and Manerwarlu. The committee thus considered that Munnurwar or Munnurwad are different from Mannervarlu by relying upon the judgment in the case of ***Chandrakant Tulshiram Padalwar Vs. State of Maharashtra And Others.***

16. In the case of Laxman i.e. applicant No.1 before the committee, who is not before this Court presently, had produced school leaving certificate on 18.06.1986 issued by Zilla Parishad School, Yeoti showing tribe as Mannervarlu. In a visit by vigilance cell it was found that while taking admission to the school on

15.07.1976, the caste was mentioned as Munurwad, however while obtaining T.C. it is shown as Mannervarlu. For that purpose, it was found that the school record was fabricated. So far as caste certificates issued by the Sarpanch, Police Patil, Talathi it is rightly considered that these are not the authorities to issue certificates mentioning the caste. In the revenue record also no caste is mentioned. A copy of one document of the year 1951 i.e. mortgage deed was produced before the committee, however original was not produced and therefore the said could not be verified though in the copy the name of the caste appears to be Mannerwarlu. The committee rightly considered that there was change in the caste column of applicant No.1 showing the change made in the caste column, however, that was of 2017 and it was done without following process of law as per Rule 26.4 of the Secondary Schools Code and therefore the same is not rightly considered. The committee considered the fact that in the case of Hanmalu the claim is negatived by order dated 14.09.2006.

17. So far as validity in the case of Sharda is concerned, it was observed that in the case of Papanna Chinnu Shankrod i.e. father of Chinanna it is shown that he took admission in the year 1951

in the school at Kundalwadi, Taluka Biloli, District Nanded. The said entry was found to be bogus. Her caste validity certificate was granted when one Shri. V. S. Patil was Chairman of the committee. It was found that in the said committee many validities were granted without proper verification. Even special investigation team was constituted to make inquiry in respect of the said committee and therefore the case of Sharda was not considered.

18. The committee considered the judgment in the case of ***Jyoti Sheshrao Mupade Vs. The State of Maharashtra And Others in Writ Petition No.1954/2009***. The committee also considered the case of ***Rajeshwar Baburao Bone Vs. State of Maharashtra And Others in Writ Petition No. 5160/2012 (Aurangabad Bench)***. The said judgment was delivered considering the Hon'ble Apex Court's judgment in Civil Appeal No. 5778/2015 holding that if the certificate is obtained by fraud, such cases can be reopened. Thus, all these are considered by the committee.

19. This Court has gone through the original file, the photocopies of the school record from Zilla Parishad School Kundalwadi, Taluka Biloli. In the case of Papanna Chinnu

Shankrod which was relied upon by the petitioners, it is seen that word 'Lu' (लू) is added subsequently. This entry of Papanna Chinnu Shankrod is dated 10.02.1942. So far as entries in the name of Chinanna Papanna Shankrod, Laxman Papanna Shankrod and Hanmalu Papanna Shankrod the Headmaster has certified that in the school record the word Mannervarlu in the caste column is overwritten by adding word 'Lu'(लू). The school leaving certificate of Laxman Papanna Shankrod issued on 16.06.1980 shows the caste as Munurwad. The copy of leaving certificate is certified by the Headmaster, Primary School, Zilla Parishad, Yeoti. Thus, the findings of the committee is based on original record of the school and certificate issued by the Headmaster of the school. The colour copies of the record are signed as true copies by the Headmaster of the school and there is no difficulty in accepting the same.

20. This Court has also seen the file of Hanmalu which was produced by the learned AGP. From the file of Hanmalu it is seen that the entry in the name of Chinanna Papanna Shankrod appears at serial No. 207. Though the entry shown caste as Mannervarlu the Headmaster has certified that the said column is

fabricated by adding word Mannervarlu by erasing word Mannerwar. In the case of Ramrao Gangaram Shankrod the caste is clearly mentioned as Manurwar at entry serial No. 160. In the case of Laxman Papanna Shankrod, brother of petitioner Chinanna also the caste is shown as Munurwad at entry serial No. 460.

21. So far as the judgment in the case of ***Bankam s/o Balaji Maldode*** *(supra)*, this Court had directed to issue certificate as belonging to Mannervarlu, however, that is subject to outcome of the reopened validities. The observation therefore would not help the petitioners.

22. In the case of ***Sahebrao s/o Sayanna Poradwar*** *(supra)*, the committee was directed to issue certificate as belonging to Mannervarlu, but again it was subject to outcome of the reopened cases.

23. So far as case of ***Rushikesh Madhukar Chavan*** *(supra)* is concerned, in that case, the cases were reopened holding that a different view on the same facts was possible. This Court held that merely because another view is possible is no ground to

reopen the cases. However, in the said judgment it is also observed that the committee cannot reopen the case unless the committee is of the view that earlier certificate is obtained by fraud. In the present case, the case of Chinanna Papanna Shankrod is only reopened case whereas, case of Rajesh and Naresh are proposals forwarded by respondent No. 3.

24. In the case of ***Sayanna*** *(supra)*, the Hon'ble Apex Court considered that merely because overwriting is there in the caste column, unless it is shown that such overwriting is done by the claimant himself it cannot be used against the claimant in the facts of that case. In the said case it is also observed that the document was forged one. It was considered that the Police Inspector did not indicate whether he had recorded the statement of the President of the Municipality as to whether certificate in that case was genuine or not. There was no report by the Police Inspector stating that the word 'Lu' (लू) was interpolated by the appellant. Addition of word 'Lu' (लू) itself would not lead to an irresistible conclusion that the said word was added by the appellant or at his behest. Mainly what was considered was that it was not clear as to on what basis the scrutiny committee came

to the conclusion that the word 'Lu' (लू) was interpolated. The enquiry officer had not obtained any expert's opinion to arrive at such conclusion as to interpolation. Even the committee did not obtain any expert's opinion to conclude the same. The said judgment is already considered by this Court in the case of ***Shubham Sharad Mahandule Vs. The State of Maharashtra And Others in Writ Petition No. 4704/2023*** with another connected petition and distinguished the same on facts.

25. One more reason as to why this Court cannot rely upon the entry where word 'Lu' (लू) is added is 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 requires the claimant to prove his caste claim. Section 8 reads as under :-

> "**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."

26. It is thus seen that though in the case of ***Sayanna*** *(supra),* it was in the facts of that case, the Hon'ble Apex Court has further observed that there was no material to support overwriting etc. There it was only an opinion of the vigilance committee mentioning that there is overwriting with different ink and different handwriting. It is not a question who has done the overwriting. It is for the person who relies upon the entries to show that those entries are genuine and are not fabricated even if some wrong is done by other person. The person who relies upon such entries cannot take benefits merely by showing that he has not fabricated the entries. Ultimately, burden cannot be put on the committee to prove that the entries are fabricated, overwritten etc. by the claimant as the same is not accepted.

27. In the present case Headmaster has certified that in the school entries of Chinanna, Laxman, and Hanmalu word Mannervarlu is either overwritten and fabricated. In some cases word 'Lu' (लू) is added in different ink and different handwriting. The committee has considered all this material and has come to conclusion. This Court does not see any reason to interfere with

the said findings as these entries are relied by the petitioners in support of their claim.

28. Considering above, this Court finds that the petitioners have failed to make out a case calling for interference at the hands of this Court. The writ petitions, therefore, stand dismissed.

(AJIT B. KADETHANKAR, J.) **(KISHORE C. SANT, J.)**

P.S.B.