



(1)

WP-11292-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11292 OF 2026

1. Rohit s/o. Shensing Manza

Age: 18 years, Occu: Education

R/o. Itkheda, Chhatrapati Sambhajnagar.

2. Pushpak s/o. Santosh Manza

Age: 18 years, Occu: Education

R/o. Itkheda, Chhatrapati Sambhajnagar

Dist. Chhatrapati Sambhajnagar.

...PETITIONERS

VERSUS

1. The State of Maharashtra

Through the Secretary for
Tribal Development Department,
Maharashtra State, Mantralaya,
Mumbai.

2. The Scheduled Tribe Scrutiny

Committee Chhatrapati Sambhajnagar,

Division Chhatrapati Sambhajnagar

Through its Secretary

...RESPONDENTS

.....

Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon, Advocate for Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondent/State.

CORAM

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

RESERVED ON

: 16th SEPTEMBER 2026.

PRONOUNCED ON

: 09th OCTOBER 2026.

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

1] Heard Mr. Hon, the learned Senior Advocate and Mr. Lakhotiya, the learned AGP for Respondent/State. By consent of the parties, petition is taken up for final disposal at the stage of admission.

2] The petitioners, real cousin brothers, have approached this Court challenging the Judgment and Order dated 11/08/2026 passed by Respondent No.2/the Scheduled Tribe Scrutiny Committee, Chhatrapati Sambhajinagar, (hereinafter referred to as “**Committee**”) thereby rejecting the tribe validity claim of the petitioners as belonging to “Naikada, a Scheduled Tribe” (Sr. No.35).

3] The facts in short are that the petitioner Nos.1 and 2 are students desirous of taking education to the professional courses. As they claim to belong to “Naikada”, a Scheduled Tribe, they require tribe validity certificates for securing admission to professional courses. The petitioners have, therefore, obtained tribe certificates on 24/08/2022 from the learned Sub-Divisional Officer, Chhatrapati Sambhajinagar. Thereafter, their tribe validity claims/proposals were referred to the Committee for verification on 26/11/2025.

4] It is the case of the petitioners that, there are total 10 validity certificates issued to their family members and blood relatives showing that they belong to Naikada community. There are some documents in support of their claim. The first document is of 1945 showing their grand-father namely, Raybhan Dipchand Manza as belonging to Naikada tribe. Their great-grand-father namely, Dipchand Manza was also shown as Naikada in the document of 1923.

5] The petitioners relied upon order dated 22/11/2018 passed by this Court in the case of *Ishwarsing Raybhan Manza Vs. State of Maharashtra and Anr. in Writ Petition No.5423 of 2013*, wherein the petitioner has challenged the show cause notice issued by committee before this Court in WP/5423/2013. The said Ishwarsing happens to be the uncle of present petitioners. However, the said notice was revoked/cancelled by the Respondent/Committee. This Court, therefore, disposed of the said writ petition. The Committee failed to appreciate the evidence and the documents placed on record by the petitioners. The respondent/Committee, by its judgment and order, has rejected the claim of the petitioners and therefore, the petitioners have approached

this Court by filing present writ petition.

6] Mr. Hon, the learned Senior Advocate for the petitioners, vehemently argued that there are voluminous documents in favour of petitioners. In spite of having 10 validity certificates in the relatives of the petitioners, the Respondent/committee has not considered the same. Ishwarsing, who happens to be the uncle of petitioners, was granted tribe validity certificate long back by the Committee. In his case, show cause notice was also issued. However, the same was later on withdrawn. The native place of petitioners is village Taroda, Tal. Motala Dist. Buldhana. In Taroda village, there are persons belonging to Naikada community residing. There are various claims made from the said village which are upheld by this High Court at Nagpur Bench. The vigilance cell though submitted its report, the same was filed without personally verifying the relevant school and other records.

7] Learned Senior Advocate further argued that the Vigilance Cell Committee did not properly conduct the inquiry and thus submitted incorrect report. The sister of petitioner No.1 and cousin sister of petitioner No.2 namely, Tejaswi Manza and Kanchan Manza, the sister of

petitioner No.2, have been granted conditional validity by this Court in WP/9813/2023. There is no manipulation and alteration in the school records which was properly explained by the petitioners. However, the Committee wrongly observed that in the school records, there is manipulation. There is nothing on record to show that the petitioners or their relatives have done any manipulation. The genealogy produced by the petitioners shows the relationship with the validity holders. On all these grounds, he submits that the present petition needs to be allowed.

8] Mr. Lakhotiya, the learned AGP appearing for respondent/State, on the other hand, vehemently opposed the petition. He submits that the earlier validity certificates were obtained by playing fraud upon the Committee. Ishwarsing is the first validity holder whose claim was held to be valid by relying upon validity of his maternal uncle, and therefore, the Committee could not have considered the case of Ishwarsing. All other validity certificates are issued on the basis of validity granted in favour of Ishwarsing. He further submits that once the basic validity of Ishwarsing was obtained by playing fraud upon the Committee, the validity certificates subsequent thereto needs to be cancelled. The

Committee is taking appropriate steps in that regard. He further mainly submits that both these petitioners have filed a false affidavit before the Committee stating that no claim of any of the relatives of the petitioners have been invalidated. He submits that in the case of Santosh Manza, the father of petitioner No.2 himself, the Committee at Amrawati invalidated his claim in the year 2021. This material fact was not brought on record and on the contrary, a false affidavit is filed. Therefore, no sympathy needs to be shown to the petitioners. He thus submits that the petition deserves to be dismissed.

9] This Court has gone through the petition papers and also perused the original file of the petitioners as well as the order passed by the Committee. It is seen that the main documents produced on record was the documents of Mr. Shensing Manza, the school leaving certificate dated 25/08/1952 of Raybhan Dipchand Manza, the grand-father of applicant No.1; the school leaving certificate of Chandrabhan and Raybhan i.e. grand-uncle and grand-father of petitioners in the year 1954 and 1952, respectively; the school records of Mr. Ishwarsing and Kanchan Manza (cousin sister); and validity certificates of Ramesh,

Ganesh, Sanjay, real uncles, Gajanan, Hirasingh and Jawansing, cousin uncles of the petitioners and other relevant documents.

10] Before the Committee, the report of Vigilance Cell was placed. The Committee considered the validity wherein the case of Raybhan (grand-father) is shown to be Vanjari. The said document was taken from the school register. Chandrabhan and Tarsing are shown as Vanjari from the school records. Ishwarsing and Shensing are shown as Banjara as is seen from the school records. The Committee considered that since these documents are from the official records of the school, those are important documents. The Vigilance Cell also inspected the school records wherein the caste of Raybhan, Chandrabhan, Ishwarsing, Ramrati and Marrati (paternal aunts), Shensing, Ramesh, Ganesh, Sanjay were manipulated and interpolated. It was found in school records that in every entry, the caste originally written is erased and Naikada is overwritten in different ink and different handwriting. It is observed that the said erasion/correction is made without following due procedure under Rule 26.4 of Secondary School Code. It is observed that the entries in the register of the school of Z.P. Pre-primary School,

Taroda, Panchayat Samiti, Motala, Dist. Buldhana is fabricated. All the entries showing the caste as “Mathure Banjara” are erased and those are overwritten as “Naikada”. It is also recorded that the learned Collector, Buldhana, had directed an inquiry in this matter. It was found that in 51 cases from the said school register this is done. The Committee further considered the revenue records of Raybhan in the year 1955-56 in which he is shown to be Vanjari. The Committee thus found that the petitioners have relied upon the certificates which are obtained by playing fraud, and rejected their claim.

11] Considering all arguments, this Court has to see the documents and original records called of the Committee. This Court has also considered original records. The main question therefore is whether the petitioners have proved their tribe status as “Naikada” by adducing sufficient evidence before the Committee. Secondly, whether the Committee has rightly considered the material on record and whether the Committee has rightly considered and invalidated the tribe claim of the petitioners.

12] So far as first contention of the petitioners that one Tejaswi Manza and Kanchan Manza, sisters of the petitioners, are granted validity is concerned, this Court has seen the order annexed to the petition passed by this Court in WP/9813/2023. This Court partly allowed the said writ petition directing to issue validity certificate. However, the said validity is subject to final outcome of the matter which the committee has decided to reopen. This order is thus conditional order and not absolute.

13] The Hon'ble Apex Court in Civil Appeal No. 5888 of 2023 in the case of *Aditya and anr. Vs. The State of Maharashtra and Ors.* had allowed the appeal of the appellants therein and set aside the order passed by this Court in WP/9062/2023. It is not shown as to how that order is helpful to the petitioners.

14] There is a statement of Ishwarsing recorded before the Committee on 20/04/2026. In the said statement also he has categorically stated that in his near relative, there is not a single certificate is invalidated. In the case of Ishwarsing though initially show cause notice was issued, the same was later on cancelled. The Committee, however, in the case of Ishwarsing has found that it was given on the basis of claim of son of

brother of his mother, and therefore, it could not be helpful. In any event, the case of Ishwarsing is sought to be reopened.

15] So far as invalidation of claim of Santosh Manza, father of petitioner No.2 is concerned, the learned AGP has produced on record a copy of communication dated 19/08/2026 issued by Deputy Director and Member Secretary of Respondent No.2/Committee, Amrawati, to the Joint Commissioner and Vice President of Respondent No.2 giving list of persons whose cases are decided. In the said list, at serial No.59, there is a name of Mr. Santosh whose claim is held to be invalidated on 04/02/2021. This material fact is suppressed from the Committee. Invalidation of the claim of Santosh is much prior to claim of petitioners.

16] The learned Senior Advocate, on the basis of instructions from the client who is present in the Court, submits that the petitioners and their relatives nobody has any idea or knowledge about invalidation of the claim of Santosh before the Amrawati Committee. In any case, it is submitted that Santosh is not in service, nor does he presently require any certificate; he is only an agriculturist and thus there is no question of Santosh preferring a validity claim. This argument, however, cannot

be accepted as this Court has seen the copy of communication dated 19/08/2026. In that list, the name of Santosh clearly appears, and no relation with Santosh is denied. The only explanation sought to be given is that there is no knowledge. It needs to be seen that there is a specific affidavit filed in support of the validity claim stating that there is no claim invalidated in the family. Even Ishwarsing himself has given a statement before the Committee that there is no invalidation in the family. It is made on the basis of making sufficient inquiry with the relatives. The said invalidation is in the year 2021 and petitioners lodged their claims in the year 2025, still no sufficient care is taken to state the correct facts. This Court thus cannot accept such lame excuse of lack of knowledge.

17] This Court has seen original file of the petitioners. The Vigilance Cell report in the case of Ishwarsing is seen. Ishwarsing's claim is of the year 2003. In the genealogy, Mr. Santosh is shown to be the father of petitioner No.2 and uncle of petitioner No.1. Ishwarsing whose validity was obtained is shown to be uncle of both the petitioners. The colour copy of school extract of Dipchand is seen. The transfer certificate of

Dipchand, great-grand-father of the petitioners, issued by Headmaster of Z. P. Pre-primary School at Taroda Dist. Buldhana on 01/07/1971 shows the caste of Dipchand as Vanjari. In Janata High School records, the caste of Ishwarsing is clearly seen to be Vanjari and it is written above that as Naikada. There is report submitted by Panchayat Samiti Motala on inquiry of Z. P. Pre-primary school Taroda, caste of Ramrati is shown to of caste Naikada after scoring off original record. The same position is in the cases of Raybhan, Dipchand, Ishwarsing, Shensing, Ganesh, Sanjay, Marrati whose case entries were shown as Banjara by erasing earlier entries now caste is shown as Naikada. In the census register, Dipchand is shown to be born in the year 1923 and his caste is shown as Vanjari.

18] In the present case, what is mainly seen is that the entire school records since the inception of the school at Taroda, Panchayat Samiti, Motala Dist. Buldhana is manipulated. The caste was shown as Banjara or Vanjari and by erasing earlier word Naikada is written in its place. It is an instance showing as to what extend one can go to claim as belonging to Scheduled Tribe or Scheduled Caste only for the benefits of

few. This is clearly a fraud played by the persons concerned, even the caste of relatives of the present petitioners i.e. grand-father and uncle is shown as Naikada by erasing word Vanjari. Secondly, a fraud played upon by the committee is also clearly seen. The petitioners approached the Committee by filing false affidavit stating that there is no any invalidation in the family. So far as fraud is concerned, the Hon'ble Apex Court in the case ***Raju Ramsing Vasave*¹** and in the case of ***Ketaki d/o Bhumayya Muttepod Vs. State of Maharashtra and Anr.*** passed by this Court in Writ Petition No.11751 of 2025, observed as under:

“35. So far as the second principle, noticed by us, is concerned, there is no dearth of authority. Fraud vitiates all solemn acts. When an order has been obtained by practising fraud on the court, it would be a nullity.

36. In *Ganpatbhai Mahijibhai Solanki v. State of Gujarat and Ors.* [(2008) 3 SCC 556], this Court held:

“It is now a well settled principle that fraud vitiates all solemn acts. If an order is obtained by reason of commission of fraud, even the principles of natural justice are not required to be complied with for setting aside the same.”

It was further observed:

“In *T. Vijendradas and Anr. v. M. Subramanian and Ors.*, this Court held;

27. ...When a fraud is practiced on a court, the same is rendered a nullity. In a case of nullity, even the principles of natural justice are not required to be complied with. [*Kendriya Vidyalaya Sangathan and Ors. v. Ajay Kumar Das and Ors. & A. Umarani v Registrar, Cooperative societies and Ors.*]

1 (2008) 9 SCC 54

28. Once it is held that by reason of commission of a fraud, a decree is rendered to be void rendering all subsequent proceedings taken pursuant thereto also nullity, in our opinion, it would be wholly inequitable to confer a benefit on a party, who is a beneficiary *thereunder....*”

37. In *K.D. Sharma v. Steel Authority of India Ltd. and Ors.* [2008 (10) SCALE 227], this Court opined:

“Reference was also made to a recent decision of this Court in *A.V. Papayya Sastry and Ors. v. Govt. of A.P. and Ors.* (2007) 4 SCC 221. Considering English and Indian cases, one of us (C.K. Thakker, J.) stated:

22. It is thus settled proposition of law that a judgment decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order - by the first Court or by the final Court - has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.’

The Court defined fraud as an act of deliberate deception with the design of securing something by taking unfair advantage of another. In fraud one gains at the loss and cost of another. Even the most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam.”

38. The order dated 11.08.1988, thus, would not operate as a res judicata so as to disable it from considering the merit of the case of the respondent No. 1 by the State of Maharashtra or Maharashtra Pollution Control Board afresh. The decision of the High Court ex facie is unsustainable.

39. We may at this juncture notice some decisions of this Court where the question at hand has been discussed. In *State of Maharashtra and Others v. Ravi Prakash Babulalsing Parmar and Another* [(2007) 1 SCC 80], this Court held:

“23. The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective

discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter.

24. We, with respect, fail to appreciate the approach of the High Court as it proceeded on the premise that once the surname of the respondent tallied with the name of the tribe, which finds mention in one or the other entries of the Schedule appended to the 1976 Order, the same must be treated to be sacrosanct and no enquiry in relation to the correctness of the said certificate can be gone into by any committee. The observations and directions of the High Court, in our considered opinion, were not only contrary to the judgments of the Court but also fall short of the ground realities.

25. Mr Arvind Savant, the learned Senior Counsel, would place strong reliance on a decision of this Court in Palghat Jilla Thandan Samudhaya Samrakshna Samithi and in particular paras 18 and 19 thereof, which read as under: (SCC p.365)

“18. These judgments leave no doubt that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or evidence let in to determine whether or not some particular community falls within it or outside it. No action to modify the plain effect of the Scheduled Castes Order, except as contemplated by Article 341, is valid.

19. The Thandan community in the instant case having been listed in the Scheduled Castes Order as it now stands, it is not open to the State Government or, indeed, to this Court to embark upon an enquiry to determine whether a section of Ezhavas/Thiyyas which was called Thandan in the Malabar area of the State was excluded from the benefits of the Scheduled Castes Order.”

40. In *Addl. General Manager – Human Resource, Bharat Heavy*

Electricals Ltd. v. Suresh Ramkrishna Burde [(2007) 5 SCC 336], this Court held:

“14. In the case in hand the respondent got appointment on 31-5-1982 on a post, which was reserved for a member of Scheduled Tribe. On receiving complaints the employer referred the matter to the District Collector, Nagpur and also to the Scrutiny Committee in March 1991. The subsequent period has been spent in making enquiry and in litigation as the respondent filed three writ petitions. In view of the principle laid down by this Court we are clearly of the opinion that his services were rightly terminated by the appellant and the High Court was in error in directing his reinstatement. The order passed by the High Court, therefore, has to be set aside.”

41. In *State of Maharashtra & Ors. v. Sanjay K. Nimje [2007(2) SCALE 214]*, it was held that a person cannot get a benefit to which he is not otherwise entitled to.”

19] Very often argument is advanced on the basis of judgment passed by this Court in *Apoorva Nichale Vs. DCCS Committee and ors.*². That when there is a validity granted to hear relative a validity needs to be granted to the claimant. In that case the respondent/committee had considered the school leaving certificate of the petitioner's father and noticed that the caste was changed from Thakur to Kanjar Bhat. Considering that, this Court made following observations which read as follows:

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the

same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it.”

8. -----

“9. In the present case, we find that the committee has disbelieved the petitioners case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioners father and noticing that the original caste written on it was Thakur and that was subsequently changed to Kanjar Bhat. The committee observed that the caste has been changed without complying with the procedure prescribed by sections 48(e) and 132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioners sister did not hold the same view, otherwise it would have refused to grant validity. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner.”

20] In the present case, on the basis of one validity in the case of Ishwarsing, the other validities are obtained by the relatives. It is already

pointed out that the validity of Ishwarsing was obtained by relying upon fraudulent relation, on the basis of validity granted to the maternal cousin of Ishwarsing and not from father's side. It is required that the relationship should be with blood relative from father's side.

21] Thus, considering the legal position, this Court finds that since the petitioners have played fraud upon the Committee, they do not deserve any relief at the hands of this Court. On merits also, this Court has found that the petitioners have failed to make out a case seeking interference at the hands of this Court.

22] On all these counts, this Court finds that no case is made out to allow the writ petition. Writ petition deserves to be dismissed. The same is hereby dismissed and disposed off.

23] Pending civil applications, if any, also stand disposed off.

[JITENDRA JAIN, J.]

[KISHORE C. SANT, J.]