



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.7579/2025

Miss Kalyani D/o Dilip Narnaware, : **PETITIONER**
Aged about 20 years, Occ. Education,
R.o Vidhya Nagari, Nande Pera By-Pass
Road, Wani, Tah. Wani,
District Yavatmal

VS.

Deputy Director & Member – : **RESPONDENT**
Secretary, The Scheduled Tribe
Certificate Scrutiny Committee,
Yavatmal, Near Rangoli Ground,
Shastri Nagar, Yavatmal - 445001

Mr. Ananta Ramteke, Advocate for the petitioner

Mrs. S.S. Dhote, AGP for Respondent

CORAM: URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, JJ.

Date of reserving the judgment : 30.07.2026

Date of pronouncing the judgment: 06.08.2026

JUDGMENT (PER : NIVEDITA P. MEHTA)

1. Rule. Rule made returnable forthwith. Heard finally, by consent of the learned counsel appearing for the respective parties.

2. The petitioner has instituted the present writ petition challenging the order dated 25.01.2024 passed by the respondent– Scheduled Tribe Certificate Scrutiny Committee, Yavatmal, whereby the

petitioner's claim for validation of her caste certificate as belonging to "Mana" Scheduled Tribe, a Scheduled Tribe specified at Serial No.18 of the Constitution (Scheduled Tribes) Order, 1950, has been invalidated.

3. Succinctly stated, the facts giving rise to the present petition are that the petitioner's proposal for verification of her caste claim as belonging to "Mana" Scheduled Tribe was forwarded by her College to the respondent–Scheduled Tribe Certificate Scrutiny Committee on 30.03.2022, along with the requisite documents in support of her claim. Upon receipt of the proposal, the respondent–Committee referred the matter to the Vigilance Cell for conducting an inquiry in accordance with the prescribed procedure. After the Vigilance Cell submitted its report, the respondent-Committee issued a show cause notice to the petitioner calling upon her to explain the adverse material collected during the inquiry. The petitioner submitted her detailed explanation along with supporting documents. However, upon consideration of the Vigilance Cell Report, the petitioner's explanation and the documentary evidence placed on record, the respondent–Committee, by the impugned order dated 25.01.2024, invalidated the petitioner's claim of belonging to "Mana" Scheduled Tribe. Moreover, the respondent- Scrutiny Committee has sought to distinguish the petitioner's case from that of her real brother on the ground that, while adjudicating the caste claim of the petitioner's brother, the Vigilance Cell had obtained only one adverse entry reflecting the caste as "Kunbi". According to the Committee, during the vigilance inquiry conducted in the

present case, several additional documents pertaining to the petitioner's paternal relatives came to light, wherein the caste was recorded as "Mani", "Mane" and "Kunbi". Proceeding on the premise that such material was not available when the caste claim of the petitioner's brother was considered, the Committee declined to attach any evidentiary value to the validity certificate issued in his favour and held that the same would not govern the petitioner's claim. Aggrieved thereby, the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India by filing the present petition.

4. The learned counsel Mr. Ananta Ramteke appearing for the petitioner submitted that the petitioner's real brother, namely Shubham Dilip Narnaware, has been granted a caste validity certificate certifying him as belonging to "Mana" Scheduled Tribe pursuant to the judgment and order dated 30.07.2019 passed by this Court in Writ Petition No.5252 of 2019. It is submitted that the said judgment has attained finality and, therefore, the respondent- Scrutiny Committee could not have ignored the validity certificate issued in his favour while considering the petitioner's claim. The Committee discarded the said validity certificate on the ground that, during the vigilance inquiry in the petitioner's case, certain additional documents containing caste entries such as "Mani" and "Kunbi" pertaining to the petitioner's paternal relatives were collected, which were allegedly not available while deciding the claim of the petitioner's brother. According to the learned counsel for petitioner, even assuming that such material was

subsequently discovered, the Committee could not have disregarded the subsisting validity certificate unless it was first cancelled or revoked in accordance with law on the ground of fraud or misrepresentation. It is further submitted that once the petitioner's real brother, belonging to the same paternal lineage, has been held to belong to "Mana" Scheduled Tribe, denial of the same social status to the petitioner is legally unsustainable.

5. In support of the aforesaid submissions, reliance is placed on the decision of this Court in *Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and others*, reported in *2010 (6) Mh.L.J. 401*, to contend that a validity certificate issued in favour of a paternal blood relative is binding upon the Scrutiny Committee unless it is shown to have been obtained by fraud in proceedings initiated in accordance with law. Reliance is also placed on the decision of this Court in *Gautam Parashram Gadmade v. The Commandant, State Reserve Police Force and others* (Writ Petition No.5832 of 2022), wherein it has been held that a subsisting validity certificate issued in favour of a close blood relative cannot be ignored merely because there are certain inconsistent caste entries in the ancestral records.

6. The learned counsel further submitted that the petitioner has produced 24 documentary evidences, including several pre-Constitution public documents consistently recording the caste of her paternal ancestors

as "Mana", which possess high probative value. The details of the documents relied upon by the petitioner are tabulated hereinbelow:

अ. क्र.	दस्तऐवजाचे नांव	दस्तऐवजावरील व्यक्तीचे नांव	अर्जदाराशी नाते	जातीची नोंद	पुराव्याचा दिनांक
१.	जमातीचे मुळ प्रमाणपत्र (उप-विभागीय अधिकारी, राळेगाव जि. यवतमाळ)	कल्याणी दिलीप नानरवरे	अर्जदार	माना	२३.१२.२०२१
२.	शालेय पुरावा (न्यु व्हीजन इंग्लिश मिडीयम स्कुल, वणी, जि. यवतमाळ)	कल्याणी दिलीप नानरवरे	अर्जदार	माना	२३.०६.२०१९
३.	शालेय पुरावा (वणी लायन्स इंग्लिश मिडीयम हायस्कूल अँड कॉलेज, वणी, जि. यवतमाळ)	कल्याणी दिलीप नानरवरे	अर्जदार	माना	१६.०५.२०१७
४.	जन्म प्रमाणपत्र (नगर परिषद वणी, जि. यवतमाळ)	कल्याणी दिलीप नानरवरे	अर्जदार	--	१९.०८.२००५
५.	आधार कार्ड	कल्याणी दिलीप नानरवरे	अर्जदार	--	०२.०८.२००५
६.	आधार कार्ड	शुभम दिलीप नानरवरे	भाउ	--	०५.१२.२०००
७.	जात वैधता प्रमाणपत्र (अ.ज.प्र.त. समिती, अमरावती)	शुभम दिलीप नानरवरे	भाउ	माना	३१.०७.२०१९
८.	प्रतिज्ञालेख नमुना - फ वंशावळ	दिलीप ज्ञानोबाजी नारनवरे	वडील	माना	१७.०२.२०२२
९.	शालेय पुरावा आदिवासी आश्रम शाळा उमरी रोड, जि. यवतमाळ	दिलीप ज्ञानोबाजी नारनवरे	वडील	माना	१०.०६.१९७८
१०.	सेवा पुस्तकाच्या प्रथम पृष्ठाची प्रत	दिलीप ज्ञानोबाजी नारनवरे	वडील	माना	०३.१०.१९७२ D.O.B.
११.	प्रतिज्ञालेख	दिलीप ज्ञानोबाजी नारनवरे	वडील	माना	१७.०२.२०२२
१२.	आधार कार्ड	दिलीप ज्ञानोबाजी नारनवरे	वडील	--	०३.१०.१९७२
१३.	प्रतिज्ञालेख	दिलीप ज्ञानोबाजी नारनवरे	वडील	--	१७.०२.२०२२
१४.	गाव नमुना ७/१२ महसुली पुरावा	दिलीप ज्ञानोबाजी नारनवरे	वडील	--	सन २०१८ ते २०२१ करीता
१५.	जमातीचे प्रमाणपत्र (उप-विभागीय अधिकारी, राळेगाव जि. यवतमाळ)	दिलीप ज्ञानोबाजी नारनवरे	वडील	माना	२४.०८.२०१८
१६.	कौटुंबिक शिधापत्रिका	नारनवरे दिलीप ज्ञानोबाजी	वडिल	--	२४.०९.२०१०
१७.	निवडणुक ओळखपत्र	दिलीप ज्ञानोबाजी नारनवरे	वडील		०६.०१.२०१२
१८.	मृत्यूचा दाखला ग्रा.पं. वाठोडा ता. केळापूर जि. यवतमाळ	ज्ञानोबा रामजी नारनवरे	आजोबा	--	नोंदणी दिनांक १७.०७.२००७
१९.	निवडणुक ओळखपत्र	नारनवरे ज्ञानोबा रामजी	आजोबा	--	१५.११.१९९४
२०.	मृत्यू रजिस्टर नक्कल	शंकर वल्द मारोती	बुलत आजोबा	माना	०४.०९.

	गाव - खैरी जि. यवतमाळ	माना यांना झालेल्या अपत्याचा जन्मतःच मृत्यू झाल्याची नोंद			१९३२
२१	जन्म रजिस्टर नक्कल गाव- खैरी, जिल्हाधिकारी कार्यालय यवतमाळ	ज्ञानोबा रामजी माना यांना सिताराम नावाचे एक पुरुष अपत्य झाल्याची नोंद	पणजोबा	माना	जन्म दिनांक ०६.०९.१९५७ रिपोर्टचा दिनांक १२.०९.१९५७
२२.	जन्म रजिस्टर नक्कल गाव- खैरी, जिल्हाधिकारी कार्यालय यवतमाळ	रामजी गोमा माना यांना शामराव नावाचे एक पुरुष अपत्य झाल्याची नोंद	खापर पणजोबा	माना	०८.०३.१९३०
२३.	जन्म प्रमाणपत्र गाव वळधा, ता. वरोरा, जि. चंद्रपूर	रामजी माना एक पुरुष अपत्य झाल्याची नोंद	खापर पणजोबा	माना	३०.११.१९२५
२४	जन्म प्रमाणपत्र गाव खेमजई, ता. वरोरा, जि. चंद्रपूर	रामजी माना एक स्त्री अपत्य झाल्याची नोंद	खापर पणजोबा	माना	

7. However, the respondent- Committee discarded the said documents principally on the ground that they pertain to villages situated in Chandrapur District, which according to the Committee falls outside its territorial jurisdiction. It is submitted that such reasoning is contrary to Rule 12(3) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, which mandates verification of records from the claimant's original place of residence. It is also contended that certain adverse documents relied upon by the Vigilance Cell do not pertain to the petitioner's family, despite which they have been relied upon without establishing any genealogical nexus with the petitioner. Lastly, placing reliance on the decisions in *Pratmesh Ramesh Dadmal v. Deputy Director and Member Secretary and Maharashtra Adivasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra*, reported in *2023 (2) Mh.L.J. (S.C.) 785*, it is submitted that the affinity test is only a corroborative factor

and cannot override reliable documentary evidence. On these grounds, it is prayed that the impugned order be quashed and set aside.

8. *Per contra*, the learned AGP appearing for the respondent-Scrutiny Committee supported the impugned order and submitted that the burden of establishing the caste claim squarely lies upon the petitioner in view of 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. According to her, the petitioner has failed to establish that she belongs to "Mana" Scheduled Tribe either by satisfactory documentary evidence or by proving the affinity, traits, customs and characteristics of the claimed tribe.

9. It is submitted that the pre-Constitution documents relied upon by the petitioner are isolated entries lacking corroboration and that the respondent- Committee has rightly disbelieved them. The learned AGP further submitted that the genealogy furnished by the petitioner suffers from inconsistencies, particularly in relation to the birth extract dated 08.03.1930, and, therefore, the Committee was justified in doubting its authenticity. It is also contended that the birth extracts dated 30.11.1925 and 10.03.1928 pertain to villages situated in Chandrapur District, which fall outside the territorial jurisdiction of the respondent-Committee, and

hence the Vigilance Cell rightly expressed reservations regarding their evidentiary value.

10. The learned AGP further submitted that the vigilance inquiry unearthed several adverse documents pertaining to the petitioner's paternal lineage containing caste entries such as "Mani" and "Kunbi", dating from the years 1910, 1922, 1943, 1950, 1959, 1961, 1963, 1964 and 1966. According to her, these adverse entries carry significant probative value and clearly negate the petitioner's claim of belonging to "Mana" Scheduled Tribe. It is further contended that, unlike the case of the petitioner's real brother, wherein only one adverse entry was available, the present vigilance inquiry has brought on record several additional adverse documents which were not available while deciding his caste claim. Therefore, according to the learned AGP, the validity certificate issued in favour of the petitioner's brother cannot govern the petitioner's case. She further submitted that the decision in *Gautam Parashram Gadmada (supra)* is distinguishable on facts and does not advance the petitioner's case. On these premises, it is urged that the impugned order does not warrant interference in exercise of the writ jurisdiction of this Court.

11. Having considered the rival submissions and having perused the record, this Court finds that the impugned order passed by the respondent-Scrutiny Committee cannot be sustained in law. The principal reason which weighed with the Committee in invalidating the petitioner's caste claim is

the alleged existence of certain adverse entries reflecting the caste as "Mani" and "Kunbi". However, while doing so, the Committee has failed to accord due weight to the overwhelming documentary evidence produced by the petitioner, particularly the pre-Constitution documents and the validity certificate issued in favour of the petitioner's real brother. The approach adopted by the Committee is contrary to the settled principles governing adjudication of caste claims.

12. The undisputed position on record is that the petitioner's real brother, namely Shubham Dilip Narnaware, has been granted a validity certificate certifying him as belonging to "Mana" Scheduled Tribe pursuant to the judgment and order dated 30.07.2019 passed by this Court in Writ Petition No.5252 of 2019. The said judgment has attained finality and continues to hold the field. It is not the case of the respondent- Committee that the said validity certificate has been cancelled, recalled or set aside in any proceedings known to law. Equally, there is no finding recorded by the Committee that the said validity certificate was obtained by fraud, misrepresentation or suppression of material facts. In such circumstances, the Committee could not have brushed aside the evidentiary value of the validity certificate issued in favour of the petitioner's real brother merely on the premise that some additional documents were subsequently collected during the vigilance enquiry. Unless the earlier validity certificate is withdrawn or cancelled by following the due process prescribed in law, the same continues to have binding evidentiary value while adjudicating the

caste claim of another member belonging to the same paternal lineage. The law in this regard is no longer *res integra*. In ***Apoorva d/o Vinay Nichale (supra)***, this Court has categorically held that where a validity certificate has been granted to a paternal blood relative, the Scrutiny Committee is ordinarily bound to extend the benefit thereof to another blood relative unless it is demonstrated that the earlier certificate was procured by practising fraud or by suppressing material facts. Similar principles have also been reiterated in subsequent decisions, including ***Gautam Parashram Gadmade v. The Commandant, State Reserve Police Force and others (supra)***. The respondent-Committee, therefore, committed a manifest error in virtually sitting in appeal over the judgment of this Court by refusing to give due effect to the validity certificate issued in favour of the petitioner's real brother.

13. Apart from the above, the documentary evidence produced by the petitioner itself lends substantial support to her claim. The petitioner has placed on record four pre-Constitution documents, namely, the birth certificate dated 30.11.1925, the birth extract dated 10.03.1928, the birth extract dated 08.03.1930 and the death register extract dated 04.09.1932, all of which consistently record the caste as "Mana". It is a settled principle that greater probative value is attached to pre-Constitution documents as they came into existence prior to the enactment of the constitutional scheme of reservation and, therefore, carry a presumption of authenticity and reliability. The respondent- Committee has discarded these documents

principally on the ground that they pertain to villages situated in Chandrapur District, which according to the Committee falls outside its territorial jurisdiction. This reasoning, in the opinion of this Court, is wholly misconceived. Rule 12(3) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 specifically mandates that the Vigilance Officer shall conduct an enquiry not only at the place where the claimant presently resides but also at the place from where the claimant or his ancestors originally hailed. Therefore, the Committee could not have rejected the pre-Constitution documents merely because they originated from another district. On the contrary, the statutory scheme itself contemplates verification of ancestral records from the original place of residence. The rejection of these documents on the ground of territorial jurisdiction, therefore, is contrary to the statutory mandate and cannot be sustained.

14. The Committee has further relied upon certain adverse entries indicating the caste as "Mani" and "Kunbi". However, the petitioner had specifically disputed the genealogical nexus of several of those documents by submitting a detailed explanation in response to the show cause notice. It was specifically contended that the documents dated 25.08.1910 and 20.09.1922 do not pertain to her family members and, therefore, cannot be relied upon against her. Despite these specific objections, the impugned order does not disclose any detailed examination regarding the genealogical linkage of those adverse entries with the petitioner's paternal lineage. A

mere production of documents containing adverse caste entries cannot by itself become decisive unless the Committee first establishes that those entries genuinely relate to the claimant's ancestors. In the absence of such a finding, the adverse entries lose much of their evidentiary significance, particularly when weighed against the consistent pre-Constitution documentary evidence and the subsisting validity certificate issued in favour of the petitioner's real brother.

15. The contention advanced on behalf of the respondent that several adverse documents were discovered during the present vigilance enquiry, which were not available when the claim of the petitioner's brother was considered, also does not persuade this Court. If indeed the respondents were of the opinion that such material was sufficient to dislodge the social status already recognized by this Court, the proper course available in law was to initiate proceedings for cancellation of the validity certificate issued to the petitioner's brother by establishing fraud or suppression before the competent authority. So long as that validity certificate continues to remain operative, the respondent- Committee cannot ignore the same while adjudicating the caste claim of another member of the same family. Acceptance of such an approach would lead to an anomalous and legally impermissible situation whereby one real sibling is held to belong to "Mana" Scheduled Tribe while another sibling tracing the very same paternal ancestry is denied the identical status. Such contradictory findings in respect

of members of the same family would defeat the very object of certainty and consistency in caste verification proceedings.

16. Further, the aforesaid approach of the respondent- Committee cannot be countenanced in law. Merely because certain additional documents were collected during the vigilance inquiry in the petitioner's case would not, by itself, justify disregarding the subsisting validity certificate issued in favour of her real brother, particularly when the said certificate was granted pursuant to the judgment of this Court and continues to hold the field. Unless it is demonstrated, in appropriate proceedings, that the earlier validity certificate was obtained by practising fraud or by suppressing material facts, the Committee is not justified in refusing to accord due weight to the same while considering the caste claim of another member of the same paternal lineage. If the Committee was of the view that the subsequently discovered documents materially affected the correctness of the validity certificate issued in favour of the petitioner's brother, the proper course available to it was to initiate proceedings in accordance with law for cancellation of the said validity certificate. In the absence of any such proceedings, the Committee could not have ignored the binding evidentiary value of the validity certificate while adjudicating the petitioner's caste claim.

17. The Committee has also referred to the petitioner's alleged failure to satisfactorily establish the affinity test. However, it is now well settled by the

decision of the Hon'ble Supreme Court in *Maharashtra Adivasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra, 2023 (2) Mh.L.J. (S.C.) 785*, that the affinity test is only a corroborative tool and cannot be treated as a litmus test in every case. Where documentary evidence of considerable probative value is available, particularly pre-Constitution documents coupled with a subsisting validity certificate issued in favour of a close paternal blood relative, the affinity test recedes into the background and cannot be made the sole basis for rejecting a caste claim. The respondent-Committee, therefore, committed a serious error in assigning disproportionate importance to the affinity test while overlooking the superior documentary evidence available on record.

18. Upon an overall appreciation of the material placed before it, this Court is satisfied that the petitioner has succeeded in establishing her claim of belonging to "Mana" Scheduled Tribe by producing reliable documentary evidence of high probative value, which is further reinforced by the validity certificate already issued in favour of her real brother pursuant to the judgment of this Court. The reasons assigned by the respondent-Committee for discarding such evidence are neither legally sustainable nor supported by the statutory scheme governing caste verification. The impugned order, therefore, suffers from perversity, non-consideration of material evidence, misapplication of settled legal principles and failure to appreciate the binding effect of the earlier judicial determination.

19. Accordingly, for the reasons stated hereinabove, the impugned order dated 25.01.2024 passed in Case No. 11/510/Edu/032022/525 is hereby quashed and set aside. The respondent- Scheduled Tribe Certificate Scrutiny Committee, Yavatmal shall issue a validity certificate certifying the petitioner as belonging to "Mana" Scheduled Tribe within a period of four weeks from the date of receipt of this judgment. The Writ Petition is hereby **allowed**.

20. Rule is made absolute in the aforesaid terms. No order as to costs.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)

MP Deshpande