

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

**WRIT PETITION NO. 3758 OF 2020**

Tejas S/o Ramesh Katole,  
Aged about 19 years, Occ. Student,  
R/o. Dhanki, Post Dhanki, Tah.Umrkhed,  
District : Yavatmal

.. Petitioner

**Versus**

1. The Scheduled Tribes Caste Certificate Scrutiny Committee, through it's Member Secretary and Deputy Director, Sanna Building, Opp. Govt. Rest House Camp, Amravati – 444601

2. ~~State Commission Entrance Test Cell, State CET Cell, The Commissioner, 8<sup>th</sup> Floor, New Excelsior Building, A.J.Nayak Marg, Fort, Mumbai – 411001(M.S.)~~

[deleted as per order dated 30/09/2021]

3. ~~Directorate of medical Education and Research, Through its Director (Education), Govt. Dental College and Hospital Compound Near V. T. Mumbai – 400 001.~~

[deleted as per order dated 30/09/2021]

4. ~~The State of Maharashtra, Through its Principal Secretary, Department of Health Mantralaya, Madam Cama Road, Mumbai – 400032~~

[deleted as per order dated 30/09/2021]

5. State of Maharashtra, Through its Principal Secretary, Tribal Development Department, Mantralay Extension, Madam Cama Road, Mumbai – 400 032

.. Respondents

6. ~~The Dean, Brijlal Jindal College of  
Physiotherapy, Pune~~

[deleted as per order dated 30/09/2021]

Mr. Ashwin Deshpande, Advocate for petitioner.

Ms. Mayuri Deshmukh A.G.P for respondent Nos.1 & 5.

**CORAM** : **SUNIL B. SHUKRE AND**  
**ANIL S. KILOR, JJ.**

**DATED** : **07/10/2021**

**ORAL JUDGMENT** (Per Sunil B. Shukre, J.)

Heard Mr. Ashwin Deshpande, learned counsel for the petitioner and Ms. Mayuri Deshmukh, learned AGP for respondent Nos.1 and 5.

**(2)** **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

**(3)** The petitioner claims himself to be belonging to 'Halbi' Scheduled Tribe. When he submitted his application for verification of his social status to the respondent No.1 – Scrutiny Committee, the Scrutiny Committee considering the vigilance enquiry

report, documents obtained by the Vigilance Officer and documentary evidence produced by the petitioner before it and considering other material available on record, declined the claim of the petitioner by its order dated 20/10/2020, which is impugned herein.

(4) The learned counsel for the petitioner submits that the impugned order is perverse and illegal, as it places reliance upon the document shown to be standing in the name of one Mahadu Koshti, not related to the petitioner and rejects overwhelming documentary evidence of pre-constitutional period establishing the claim of the petitioner as regards, he is 'Halbi' Scheduled Tribe.

(5) The learned AGP submits that since there were contradictory entries in different documents, which were considered by the Scrutiny Committee, no fault could be found with the conclusion drawn by the Scrutiny Committee regarding failure of the petitioner to prove his Tribe claim. She submits that the document dated 14/02/1918 being the oldest one had the highest probative value and this document did not show that the ancestor of the petitioner was belonging to the 'Halbi' Scheduled Tribe community. She submits that even two documents of the year 1949 and 1980 show

that the relatives of the petitioner were of 'Haalbi' and 'Halaba' communities, which are different from 'Halbi' community.

(6) It is seen from the impugned order that the Scrutiny Committee has rejected the Tribe claim of the petitioner on two grounds; first is that 1918 document shows ancestor of the petitioner as 'Koshti' and the second ground is to the effect that the entries in the documents of the year 1942 and 1943 relating to 'Halbi' community were not consistent with the entries made in the year 1949 and 1980 documents, which were of 'Haalbi' and 'Halaba' communities and therefore, the Scrutiny Committee came to the conclusion that the petitioner could not prove his Tribe claim.

(7) As regards the entry of 'Koshti' taken in the birth and death register dated 14/02/1918, in the name of Mahadu Koshti, we find that there is an explanation given by the petitioner and this explanation, if we consider the other documents available on record, would have to be accepted as supporting the argument of the petitioner that Mahadu Koshti was not relative of the petitioner. In fact, this explanation was also submitted before the Scrutiny Committee but, it is seen from the impugned order that it was not

properly considered by the Scrutiny Committee.

(8) As per the family tree shown by the petitioner, which is not in dispute, one Madho/Mahadu was the great grandfather of the petitioner and he had no daughter but, only two sons. Since the family tree has not been disputed by the Scrutiny Committee or the Vigilance Officer, it has to be accepted that Madho/Mahadu had no daughter, which is the contention of the petitioner. The petitioner had also stated so in his explanation given to the Committee. Considering the position emerging from the family tree, it was necessary for the Scrutiny Committee to have appropriately considered the explanation given by the petitioner but, the Scrutiny Committee has ignored it. The family tree, in our opinion, clearly establishes the claim of the petitioner that Mahadu Koshti, whose name appears in 1918 document and who has been shown therein as having had a daughter was not the relative of the petitioner.

(9) There is another document which is an extract of Admission Register of Zilla Parishad School at Fulsawangi, Tal.Mahagaon, Dist. Yavatmal. About this document also there is no dispute. The name of the great grandfather of the petitioner appears

therein as one of the students, who was admitted to primary school at Fulsawangi in the year 1913. This Admission Register also takes an entry about the year of the birth of this relative, who has been named as Madhya Chimnaji. This Madhya Chimnaji was also known as Mahadu about which no dispute is raised. His year of birth has been shown as 1907. If the entries in this document are not disputed, the only conclusion that would be possible in this case is that in the year 1918 or to be precise at the age of about 11 years, the possibility of the great grandfather of the petitioner by name Madhya @ Mahadu fathering a child was almost in the realm of fiction. Therefore, we find that the adverse finding given by the Scrutiny Committee by treating the 1918 document as reliable is perverse.

(10) About the other ground taken in the impugned order, we find that although there are entries of 'Haalbi' and 'Halaba' in 1949 and 1980 documents, we are of the view that these entries being stray and inconsistent with each other and of years much after the earlier consistent entries, would have no bearing upon the earlier documentary evidence of reliable nature. The earlier entries in documents of 18/06/1942, 01/07/1942 and 24/03/1943, all of which show that the social status of the blood relatives of the petitioner was

‘Halbi’, being consistent with each other strongly probabilise the social status claimed by the petitioner and, therefore, later documents of 1949 and 1980, which are not only inconsistent with each other but also earlier documents would have to be discarded as unreliable and we do so. This aspect of the matter has not been appropriately considered by the Scrutiny Committee.

**(11)** For the reasons recorded above, we find that the impugned order is perverse and illegal, therefore, it deserves to be quashed and set aside.

- i. The Writ Petition is allowed.
- ii. The impugned order is hereby quashed and set aside.
- iii. It is declared that the petitioner belongs to ‘Halbi’ Scheduled Tribe.
- iv. The respondent No.1 is directed to issue Tribe validity certificate to the petitioner, within a period of **four weeks** from the date of the receipt of the order.

Rule is made absolute in above terms. No costs.

**[ ANIL S. KILOR ]**

**[ SUNIL B. SHUKRE ]**